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ABSTRACT

The journalism studies section of the proceedings includes the following 12 papers: "Characteristics of Newspaper Journalists' Best Work" (Lori Bergen); "The Disappearing Newspaper Reader" (Robert L. Stevenson); "JOAs and Advertising Rates: A Comparison with Monopoly Markets" (Martha N. Matthews); "Newspaper Identification of Crime Victims: Editors Change Address Policies" (Tommy Thomason and Paul LaRocque); "The Effect of Chain Ownership on Editorial Independence: A Case Study" (Roya Akhavan-Majid and others); "The Newspaper Preservation Act Today: An Ineffective Nostrum for a Minor Malady" (Barbara K. Petersen); "The Graph Makers: A Survey of the Newspaper Editorial Workers Who Create Charts and Graphs" (James D. Kelly); "The Chilling Effect of Libel on Newspaper Editors" (Dorothy Bowles and Homer Marcum); "Structural Pluralism and the Growth of Chain Ownership in the U.S. Newspaper Industry" (David Pearce Demers); "Effects of Bias Associated with Author Gender on Evaluations of News Articles" (Carol Sigelman and Ford N. Burkhart); "The Journalist's Bible: Bad News for Women" (Carole Eberly); and "Victims and Vamps: Sex Crimes in the Press" (Helen Benedict). (MG)

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Characteristics of Newspaper Journalists' Best Work

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Paper presented to the Newspaper Division of the Association for Education in Journalism and Mass Communication Annual Convention, Minneapolis, MN, August 9-12, 1990.

Studies of journalists' characteristics and their attitudes and opinions about their jobs, their readers, and themselves have answered important questions about the people who create the news. We know that the typical American journalist is 32 years old, is white, male and Protestant, has a wife and children, holds a bachelor's degree and is politically middle-of-the-road.[1] We know that journalists believe that their coverage of the news has an important influence on the public, for example, while at the same time many journalists hold a patronizing view of those very readers.[2]

But one method for learning about journalists has been largely ignored--analysis of the stories which journalists select as examples of their best work. Instead of only asking journalists if it is important to write timely stories, or to include multiple sources, or to provide ongoing coverage of issues, scholars should also examine stories that journalists identify as their best work to look for evidence of those qualities which journalists report are important.

So, what _are_ the characteristics of newspaper stories selected by journalists as their best work? Are certain story categories more likely to be represented? How long are these stories? What kinds of sources do journalists rely on for their best work? Are the stories based on news events or issues--or both? What news values are present in the best stories? Are they timely, unusual, full of conflict or great impact? And what cultural or enduring values might be present in these stories?

This paper addresses these questions through content analysis of 131 newspaper stories submitted by a national sample of U.S. journalists, provides a descriptive summary of their best work, and offers some comparisons between what journalists say about the news and what they actually do in their news stories.

Method

The 131 newspaper stories considered here were submitted by journalists who were interviewed in the comprehensive study of 1,001 American journalists between December 1982 and February 1983 and served as the basis for *The American Journalist: A Portrait of U.S. News People and Their Work* by David H. Weaver and G. Cleveland Wilhoit (1986).

The original study by Weaver and Wilhoit was based on a survey questionnaire designed to learn about the careers, education, backgrounds, professional values and ethics, and the working conditions of U.S. journalists. In addition, journalists were asked several open-ended questions about a story that represented some of their best work from the past year and then were encouraged to send a copy of the story they had discussed to the original researchers.

About 13 percent of the original sample of U.S. journalists actually sent such examples, and all but one of these were from the print media (daily and weekly newspapers, primarily, with a handful of stories from magazine journalists and a single television script). Only those stories submitted by daily and weekly newspaper journalists are used in this analysis. Of the 131 newspaper journalists who submitted stories, 97 percent were employed by daily newspapers. The remainder worked at weekly papers.

The newspaper journalists who submitted the stories used for this study did not differ significantly from the newspaper journalists included in the original study on several demographic dimensions, including age, years in journalism, political orientation, education and job satisfaction.[3] Those who sent stories made somewhat less in yearly income (mean of $13,782 versus $19,395) however, and included a greater proportion of women (45 percent versus 37 percent). The greater number of women in the group sending stories is responsible in part for the discrepancy in incomes, since the average income for women is lower than for men.

Sixty-seven percent of respondents sent only one story and 11 percent submitted two. About one-quarter of the sample submitted three or more stories. Most multiple submissions were a series of stories on the same topic or a set of stories covering an ongoing news event. (One respondent submitted 20 such stories.) Some respondents sent multiple stories which were unrelated. However, only one story was coded for each respondent. In the case of multiple submissions, the story discussed in the interview was coded for this study. If it was impossible to tell which story had been discussed, a single story was selected by generating a random number to determine which story would be included.

All coding for the study was done by the author, and several content categories were used in this study, including general story topics, indicators of journalist role concepts, routines of newsgathering and enduring values.

General Story Topic

First, stories were coded by general story topic. With the addition of several categories, the following list is closely based on the newspaper story typology suggested by Burgoon et. al.:[4]

Accidents and disasters
State and local government news
National government news
Crime news
International news
Sports
Celebrities and personalities
General human interest
Economic news and issues
Consumer information and advice
Social problems and protests
Business and finance
Environment and energy
Science, invention and space
Education and schools
Religion
Medical news
Humor
Defense and military
Arts, leisure and travel

Mass Media Role Perceptions

Stories were also coded for the presence of three distinct media roles--the disseminator, the interpretive and the adversarial roles. While several scholars have categorized journalists according to their endorsement of a particular journalistic role[5], only one other study has looked for evidence of such roles in actual news content[6].

The media roles used here were developed by Weaver and Wilhoit[7], who did a factor analysis of ten mass media roles to determine the existence of three distinct attitudes about the role of the press.[8] They found the dominant role of U.S. journalists was the interpretive role, with 62 percent in their sample endorsing that position. The disseminator orientation was endorsed by 51 percent of their respondents with a minority of 17 percent endorsing the adversarial role. In addition, they found many journalists were pluralistic in that they fully endorsed more than one role.[9]

For this study, the seven roles which loaded heavily on the three factors were considered as content categories themselves, and stories were coded for specific references to each of the seven roles in addition to being coded for the three role perceptions (disseminator, adversarial and interpretive).

For purposes of coding the 131 stories, the seven journalistic roles were operationalized as follows:

Does the story exhibit:

...adversarial stance or skepticism toward government/public official

...adversarial stance or skepticism toward business

...analysis or interpretation of complex problems

...investigations of claims made by government

...discussion of governmental policy as it is developed

...timeliness (gets story to public quickly)

...an appeal to the widest possible audience

To code a story as characterized by one of the three distinct journalistic roles, the following questions were answered:

Can the story be characterized as representing one of the three role concepts? Does anything in the story suggest the:

Disseminator Role--story tries to convey only the facts. Information is presented in an objective, straightforward way. Story is devoid of interpretation or analysis.

Interpretive Role--story tires to explain the 'why.' Story goes beyond the facts to include interpretation, analysis, ramifications, impact or effect.

Adversarial Role--story displays skepticism toward an individual or an institution of business or government. Story displays evidence of conflict or confrontation between journalist and a source.

Routines of Newsgathering

Some communications scholars have argued that the journalistic routines of newsgathering have an impact on the content produced. Stories were also coded for use of these routines. Although it would have been difficult to learn from content alone the effects of deadline pressure or story quotas, there were several routines of newsgathering which were identifiable. Tuchman has suggested the notion of a "news net" in which reporters rely on institutional sources and events over issues for the bulk of their information, for example.[10] If evidence is not found in the "best work" content of this study for a heavy reliance on routines, this might suggest that journalists themselves recognize that reliance on routine does not result in their "best" work, and that perhaps best work is synonymous with "non-routine."

Under the category of routines of newsgathering, stories were coded according to the nature of the sources used; whether the story was event- or issue-oriented, or both; whether the event-oriented story was anticipated or unexpected; and whether the traditional news values of conflict, timeliness, proximity, prominence, impact and unusualness were included.

In addition, stories were coded for average length, whether they appeared on page one, and whether they were part of the ongoing coverage of a single issue or event.

Cultural Values

Gans has argued that news contains values or preference statements about the way the nation or society ought to be.[11] However, he does not suggest that the values which do appear in the news are necessarily those of journalists themselves--in fact, Gans also acknowledges that journalists do not deliberately insert values into the news. Values may come from the sources the journalists rely on for information.

Gans developed a list of eight "enduring values" which were also used as content categories for this study. The values include: ethnocentrism, altruistic democracy, responsible capitalism, small town pastoralism, individualism, moderatism, social order and national leadership.[10]

Results

Story Topics

All of the story categories considered here were represented in the stories selected by journalists as their best work, and two categories--local government news and crime news--occurred most frequently.

Of the 131 stories, there was a greater proportion of stories in the state and local government news and crime news categories (14% for each), followed by stories of general human interest (9%) and social problems (8%).

Stories about sports, education and schools, celebrities and personalities, consumer information and advice, and medical news were each represented by 5 percent of the stories.

Four percent of stories were about business and finance with another 4 percent about religion. Accidents and disasters, environment and energy, and humor stories followed with 3 percent for each topic.

Stories in the categories of national government news, international news, economic news, and the military and defense each represented 2 percent of all stories, while the category of science, invention and space was represented by 1 percent of stories.

Table 1 about here

Table 1 provides these data and also includes the responses of the journalists in the Burgoon study who were asked to estimate what proportion of their readers were very interested in these topics.[13] The comparison shows that journalists' perception of what readers want does not directly correspond with what journalists see as their own best work.

While 14 percent of journalists in this study saw state and local government news stories as their best work, journalists in the Burgoon study ranked that category 13th out of 18 on reader interest. News about crime was also represented by 14 percent of the journalists in this study, and this category did finish fifth with the Burgoon journalists. The top three categories in the

Burgoon study, however (sports, celebrities and personalities, and accidents and disasters), were represented by only 5 percent or fewer of the stories in this study. The Burgoon category of general local news (not used in the typology here) finished fourth, and may actually correspond more closely with the category used in this study of general human interest, represented by 9 percent of the stories in this study.

Mass Media Role Perceptions

There are some similarities between the presence of mass media roles in stories representing best work and what journalists generally say about the importance of those media roles. However, there is little evidence that for journalists who believe a role is extremely important, they will be more likely to include evidence of that role in their best work.

In stories submitted as best work by journalists in this study, 70 percent appealed to a wide audience, 52 percent provided analysis and/or interpretation of a complex problem, 47 percent were timely in that they got the story to the public quickly, 21 percent discussed policy as it was being developed, 13 percent investigated government claims, 11 percent were adversarial toward government and 9 percent were adversarial toward business.

Some striking similarities and differences emerge with comparison of these figures to the percentages generated when journalists are asked how important those media roles are (both for the newspaper journalists whose stories are considered here and for all journalists across media types in the Weaver and

Wilhoit study of 1,001 journalists).

Table 2 about here

Table 2 presents a comparison of percentages for the incidence of a particular role in best work with the percentage of journalists who feel that role is extremely important (both for journalists in this study and for all journalists). Similar patterns emerge when the roles considered are adversary to government and business, analysis and/or interpretation of complex problems, discussing policy as it is developed and getting a story to the public quickly. Thus, the percentages of journalists who hold these particular roles to be important is similar to the incidence of that role in their actual stories.

However, not all roles display this similarity between what journalists say and what they do. Journalists are more likely to say that investigating government claims is an important media role then they are to present such investigation as their best work. Sixty-six percent of all journalists and 62 percent of those in this study say the role is important, but only 13 percent of stories actually provide such investigation. Slightly more than half (52%) of journalists in this study and 36 percent overall say that appealing to a wide audience is important, yet 70 percent of stories submitted include evidence of this role.

The final column in Table 2 indicates that journalists who say a particular role is extremely important are not more likely to include evidence of that role in their best work. Crosstabulation of the presence of a particular role in stories with the corresponding opinion held by individual journalists reveals no significant effect on the likelihood of including that role, even when a journalist believes the role to be extremely important.

Turning to the three role perceptions identified by Weaver and Wilhoit--disseminator, interpretive and adversarial--similar patterns emerge. The percentages of stories which were classified as either disseminator, interpretive or adversarial mirror the percentages of journalists who endorse that particular role, both for all journalists and for those newspaper journalists included in this study. The percentages are not exact, however.

Table 3 about here

In the Weaver and Wilhoit study, 51 percent of all journalists endorsed the disseminator role (scored in the top quartile on the disseminator scale). Using the same criteria for endorsement, 24 percent of newspaper journalists in this study endorsed that role. And 36 percent of all stories submitted representing best work fit the disseminator category.

Forty-six percent of all stories in this study were interpretive stories, and the same number (46%) of journalists endorsed that role. For all journalists, 62 percent endorsed the interpretive role.

Fourteen percent of stories were adversarial in nature, and 15 percent of the journalists in this study and 17 percent in the larger study endorsed the adversarial role.

Again, endorsing a particular role was not significantly related to writing a story with characteristics of that particular role. The final column in Table 3 indicates that for those newspaper journalists who endorsed the disseminator role, 44 percent actually wrote disseminator stories; for those who endorse the interpretive role, 33 percent wrote interpretive stories; and for those endorsing the adversarial role, 6 percent wrote adversarial stories. While the percentages are somewhat greater in the disseminator category and somewhat less in the other two categories, they are not significantly different from the proportions for the three categories in the actual stories.

It is interesting to note, however, that the newspaper journalists who submitted stories for this study were less likely than the large sample of journalists to fully endorse the three roles, especially for the disseminator (24% versus 51%) and the interpretive role (46% versus 62%).

Routines of Newsgathering

Of the 131 stories considered in this analysis, the length ranged from stories of one paragraph to one story of 170 paragraphs. The average length was 35 paragraphs and the median was 29 paragraphs. Forty-five percent of all the stories appeared on page one, and 34 percent were part of the ongoing coverage of a single issue or event.

Sources Table 4 illustrates the means and percentages for the various source categories considered in the analysis of newspaper journalists' best work. The number of sources per story ranged from 11 stories with no source at all to one story with 40 total sources. The mean number of sources for the 120 stories with one source or more was 5.3.

Table 4 about here

Of all the sources used in the 120 stories analyzed, 89 percent of them were identified sources. Ninety-eight percent of all the stories contained identified sources, and the average number of identified sources per story was 4.6

About 9 percent of all the sources used were anonymous sources, and 30 percent of all the stories contained at least one anonymous source. The average number of anonymous sources per story was less than one (0.6). This finding contradicts conventional wisdom on journalists' frequent use of anonymous sources.

Seventy percent of all the sources used in the 120 stories were institutional sources, and only 26 percent were non-institutional sources. While 89 percent of the stories contained institutional sources, 51 percent of the stories had at least one non-institutional source. The average number of institutional sources per story was 3.9 while the average for non-institutional sources per story was 1.2 This is a confirmation of other studies that have established the importance of institutional sources in journalism.

Special interest group sources comprised the smallest source category. Only 4 percent of all sources were of this type, and only 14 percent of all the stories written contained special interest group sources of any kind.

When sources were coded for gender, only 15 percent of all sources were women, again, consistent with the findings of other studies. Of all stories, 41 percent contained at least one source who was a woman, yet the average number of female sources per story was just under 1 (0.9). Seventy-one percent of all sources were male and 94 percent of all the stories analyzed contained at least one source who was male. The average number of male sources per story was 3.6.

In the final category, documentary sources, 8 percent of the total sources were of this type, with 30 percent of stories containing at least one documentary source; the average number of documentary sources per story was less than one (0.5 sources).

If the percentages for male, female, documentary and anonymous sources are added, they sum to approximately 100 percent (103, since the gender of some unnamed sources was evident). Percentages for the identified and anonymous sources also sum to approximately 100, as do the percentages for institutional, non-institutional and special interest group sources.

Events and Issues Sixty percent of the 131 stories representing newspaper journalists' best work dealt with issues; 48 percent of all stories dealt with issues alone, while 12 percent were about both issues and events. About 34 percent of all stories were about events only, and 46 percent of all stories dealt with events in one way or another.

Table 5 about here

For 64 stories which covered events, 39 percent of those stories were about an anticipated event, while 48 percent dealt with unexpected events.

News Values These 131 stories were also coded for the presence of six traditional news values. The news value evident in the most stories was proximity, apparent in 76 percent of all stories. This is not surprising since the stories appeared primarily in daily and weekly newspapers, media which traditionally cover local news stories and may rely on news services for national or international news. In addition, a large number of stories in the sample dealt with state and local government news, crime and general human interest--all topics which one might expect to be of value because of proximity.

Table 6 about here

Impact was the second most evident news value, a part of 61 percent of all stories. About half of all stories contained conflict (50%), unusualness (48%) and timeliness (46%) and only 21 percent contained evidence of the news value of prominence. This may be in part because of the small percentage of stories dealing with national government news and celebrities and personalities, while a larger proportion of stories dealt with crime and general human interest, and with local and state government news where prominence may be of less consequence.

Enduring Values

The enduring values suggested by Gans were also evident in the 131 stories considered here, but the incidence of those values were not be as pervasive as Gans might expect. As with the news values, the presence of the enduring values appears to be related to general story topics, and the type of media where the stories appear may also have an influence on the presence of particular values.

Table 7 about here

The value of social order appeared in 47 percent of all stories, perhaps reflecting in part the proportion of stories dealing with crime news and social problems. Individualism appeared in 37 percent of all stories and 33 percent of stories contained the value of moderatism.

Altruistic democracy appeared in 33 percent of stories, small town pastoralism in 28 percent, responsible capitalism in 21 percent and national leadership in 18 percent of stories.

The category represented by the smallest percent was ethnocentrism, explained by the lack of stories that deal with international news of any kind. Five percent of stories fell in this category.

Discussion

While on the one hand the best work of newspaper journalists tends to reflect the media roles that journalists generally say are important, there is little indication of a direct correspondence between what an individual journalist says about the importance of media roles and whether those roles are actually performed in the creation of best work.

One reason for this finding may well be the obvious--that measuring a journalists' best work with only one story example can hardly result in a complete picture. However, when the percentages generated by all examples of best work are compared to what journalists generally say about the importance of several mass media roles, the only conclusion one can draw is that, overall, journalists do indeed practice what they preach--with some exceptions.

The exceptions to the rule demand our attention. Considering the results in Table 2 again, we see that only about 14 percent of newspaper journalists in this study thought that being an adversary to business was extremely important. And, consistent with this, only 9 percent of the stories submitted dealt with that role. About 43 percent of those in the study felt that it was extremely important for the media to provide analysis and interpretation of complex problems and 52 percent of the stories submitted actually performed this function.

But consider the media role of investigating government claims. Over 60 percent of the journalists in this sample (and 66 percent from the large sample of 1,001 journalists) felt this was an extremely important role for the media, yet only 13 percent of the stories submitted actually do so. This finding, especially in light of the large proportion of stories submitted in the state and local government news topic category, raises the question--if so many stories are written about government, and if investigating the claims of government is considered by journalists to be such an important role, why aren't there more examples of stories representing best work that perform this function?

It's possible that because most of the journalists in this study reported on state and local government news rather than national news, there are simply fewer such claims to investigate. In addition, there may well be more constraints preventing such investigations at the local level--not enough time or money to pursue investigative work, for example. Are there only organizational constraints at work here, or is there something about journalists themselves that prevents them from performing the investigative function? This is an area for future research.

Other findings in this study indicate that in creating their best work, journalists still rely on routine newsgathering practices. There are few surprises in the summary of sources used in stories, for example, although perhaps some disappointment. Few of the sources used in these examples of best work move beyond the "news net," with journalists relying almost exclusively on institutional sources, and almost exclusively on male sources as well. Very few women are represented as sources, although this in part reflects the preponderance of men as newsmakers in government and business. And very few sources come from the category of special interest groups or documents either. Further research in this area might identify the conditions under which journalists rely on these kinds of "less popular" sources.

Analysis of these stories also offers an interesting look at what value newspaper journalists place on the traditional news values themselves. Three-quarters of the stories submitted contained the news value of proximity, which is not surprising since these were newspaper journalists who wrote and selected the stories. Impact also figured prominently in over 60 percent of stories submitted as well. This finding is encouraging since it suggests that the best work of journalists is significant and influential in the lives of readers. More interesting, however, is that over half of all stories contained no conflict, unusualness or timeliness, and about 80 percent had no individuals of prominence. Perhaps the utility of teaching and adhering to the standard of traditional news values can be reconsidered in light of these results. Future research might investigate other values that are involved in the selection of news which might explain the relatively small contribution of the traditional news values.

The presence of the enduring values suggested by Gans supports his contention that these values are perpetuated in the media, yet they do not figure prominently in the stories analyzed here. The percentages of enduring values also seems to mirror in some sense the general story topics. Perhaps the most interesting idea to emerge from this part of the analysis is that the enduring values can be ordered--that those of social order and individualism, for example, are perhaps more pervasive than that of national leadership of ethnocentrism, at least in the best work of newspaper journalists.

Finally, the kinds of stories newspaper journalists select as their best work don't correspond very closely with what journalists expect their readers to be interested in. And while a greater proportion of stories fell into the state and local government and crime news categories, no single topic for best work emerged either. But regardless of whether journalists are reporting what they think their readers want to know or ought to know, it is interesting that these "best" stories are not tied to one general topic over another, but that the topics can range from humor to crime, from space to social problems.

This study is a first attempt at adding one new piece to the mosaic depicting the working journalist, moving beyond survey research and interviews to describe and characterize the work that journalists create and identify as their best.

Notes

[1] David H. Weaver and G. Cleveland Wilhoit, The American Journalist: A Portrait of U.S. News People and Their Work, (Bloomington: Indiana University Press, 1986).

[2] Judee K. Burgoon, Michael Burgoon, and Charles K. Atkin, The World of the Working Journalist, (New York: Newspaper Readership Project, Newspaper Advertising Bureau, 1982).

[3] Means for journalists in the larger sample of 1,001 compared to the 131 who submitted stories for this study were: years in journalism, 13.1 to 10.8; job satisfaction (a 7-point scale) 5.4 to 5.5; political orientation (100-point scale) 47.8 to 50.7; education (6-point scale) 3.9 to 3.7; age 37.3 years to 35.8 years.

[4] Burgoon et. al., op. cit., p. 69.

[5] See for example: Bernard Cohen, The Press and Foreign Policy, (Princeton, N.J.: Princeton University Press, 1963); John W.C. Johnstone, Edward J. Slawski and William W. Bowman, The News People: A Sociological Portrait of American Journalists and Their Work, (Urbana: University of ILlinois Press, 1976); Weaver and Wilhoit, op. cit.; Hugh M. Culberston, "Three Perspectives on American Journalism," Journalism Monographs 83 (June 1983); and Frederick Fico, "News Coverage of the Indiana State Senate: An Interaction Theory Approach," (unpublished dissertation, Indiana University, 1982).

[6] Lori Bergen, "Conceptions, Characteristics and Content: How Journalists' Role Conceptions and the Characteristics of Media Organizations Influence the News," (Paper presented to the Mass Communication and Society Division, Association for Education in Journalism and Mass Communication, Annual Conference, Portland, Oregon, 1988).

[7] Weaver and Wilhoit, op. cit.

[8] The following items were used in that factor analysis:

"I'd like now to ask you how important you think a number of things are that the media do or try to do today. For example, how important is it for the news media to...

(a) Get information to the public quickly?
(b) Provide analysis and interpretation of complex problems?
(c) Provide entertainment and relaxation?
(d) Investigate claims and statements made by the government?
(e) Stay away from stories where factual content cannot be verified?
(f) Concentrate on news which is of interest to the widest possible public?
(g) Discuss national policy while it is still being

developed?
(h) Develop intellectual and cultural interest of the public?
(i) Be an adversary of public officials by being constantly skeptical of their actions?
(j) Be an adversary of businesses by being constantly skeptical of their actions?

The Weaver and Wilhoit results of a factor analysis of these ten journalistic roles revealed three clusters of items--the adversarial factor included the two items on skepticism of government and business; the interpretive factor had the items related to analyzing and interpreting complex problems, discussing national policy while it is being developed, and investigating claims made by government; the final factor included the items related to getting information quickly to the public and concentrating on the widest possible audience. Two items (staying away from unverifiable stories and entertaining the audience) were not considered because they were only weakly related to this last factor (p. 115).

[9] Weaver and Wilhoit, op. cit., p. 116.

[10] Gaye Tuchman, "Objectivity as Strategic Ritual: An Examination of Newsmen's Notions of Objectivity," The American Journal of Sociology, 77 (1977).

[11] Herbert J. Gans, Deciding What's News: A Study of CBS Evening News, NBC Nightly News, Newsweek and Time, (New York: Vintage Books, 1980).

[12] The following criteria were used to code stories according to the enduring values:

Ethnocentrism: Does the story say anything to suggest the value of enthnocentrism? Are other countries judged to the extent they live up to American practices and values? Does the story view an alien culture with disfavor and present the U.S. system as inherently superior? Does story deal with the theme that a foreign culture is more worthy because it has imitated our way of life? Are foreigners living in the U.S. shown becoming more "American"?

Altruistic Democracy: Does the story say anything to suggest the value of altruistic democracy? Does anything suggest that politics should be in the public interest and public service? Is a politician acting in his own interest shown as deviant? Is a politician shown to be corrupt? Is waste in government bureaucracy a theme? Is citizen participation in government romanticized? Are issues of constitutional law endorsed?

Responsible Capitalism: Does the story say anything to suggest the value of responsible capitalism? Does anything suggest an optimistic faith in the economy; the idea that businessmen and women compete in order to create increased prosperity for all, but refrain from unreasonable profits and exploitation of workers or customer? Is a small or family-owned business presented as an ideal? Are unions and consumer organizations presented as opponents against the aims of business? Is economic growth presented in a positive light? Are entrepreneurs and innovators celebrated? Are other economies of Communist and democratic-socialist states criticized?

Small-town Pastoralism: Does the story say anything to suggest the value of small-town pastoralism? Does anything suggest rural and anti-industrial values; are small towns seen as superior to large cities? Are cities shown in need of revitalization, problematic, with an emphasis on racial conflict, crime or fiscal insolvency? Is the "good life" in America portrayed by people's ability to capture the cohesive, friendly, slow pace atmosphere ascribed to small towns and ethnic enclaves? Are small town/rural areas reported nostalgically? Are the values of nature and smallness suggested? Are the faults of Big Government, Big Business, Big Labor portrayed? Is the individual portrayed as threatened by bigness? Is old technology celebrated and its passing mourned? Does the story suggest respect for traditions of any kind?

Individualism: Does the story say anything to suggest the value of individualism? Does anything suggest the value of preserving the freedom of the individual against the encroachment of the nation and society? Is an individual portrayed as struggling against adversity and overcoming powerful external forces? Is the story about an heroic act, an adventurer, a scientist or other self-made person? Is new technology portrayed as emasculating individuals, robbing them of their privacy?

Moderatism: Does the story say anything to suggest the value of moderatism? Does anything suggest the deviance of excess or extremism? Does the story deal with individuals who violate the law, social mores or values, or who exhibit extreme behavior?

Social Order: Does the story say anything to suggest the value of social order? Does anything suggest that either natural, technological, social or moral disorder has occurred? Does the story deal with threats to the public peace, violence against life or property, or the deterioration of institutions (i.e. the nuclear, two-parent family)? Are natural or industrial accidents, plane crashes or other disasters mentioned?

National Leadership: Does the story say anything to suggest the value of leaders? Does the story portray the president and other politicians, government officials, businessmen, educators, lawyers, scientists and journalists acting in leadership roles?

[13] Burgoon, et. al, op. cit., p. 69.

Table 1 Percent of Story Topics of Newspaper Journalists' Best Work Compared to Journalists' Perceptions of How Interested Readers Are in Those Topics

Story Topics	Percent of Best Work[a]	Percent of Readers Very Interested[b]
State and local government news	14%	42%
Crime news	14%	59%*(5th)
General human interest	9%	53%
Social problems	8%	42%
Sports	5%	64%*(1st)
Education and schools	5%	45%
Celebrities and personalities	5%	61%*(2nd)
Consumer information and advice	5%	50%
Medical news	5%	—
Arts, leisure and travel	5%	—
Business and finance	4%	38%
Religion	4%	28%
Accidents and disasters	3%	60%*(3rd)
Environment and energy	3%	37%
Humor	3%	--
National government news	2%	47%
International news	2%	43%
Economic news	2%	52%
Defense and military	2%	—
Science, invention and space	1%	36%
General local news	--	60%*(4th)

[a] For best work, N=131; percentages do not equal 100 because of rounding.

[b] For percent of readers thought to be very interested in topics, top five categories marked with an asterisk. Source: Burgoon, Judee K., Michael Burgoon, and Charles K. Atkin. The World of the Working Journalist. New York: Newspaper Advertising Bureau, 1982, p. 69.

Table 2 Percent of Stories with Evidence of Mass Media Roles Compared to Percentages of Newspaper Journalists, U.S. Journalists, and Those Whose Stories Include Each Role and Who Feel Those Roles are Extremely Important

Media Roles	Percent of Best Work[a]	Percent Saying Role is Extremely Important		
		For this study	For all journalists[b]	Whose stories include this role
Adversary to government	11%	19%	20%	14%
Adversary to business	9%	14%	15%	6%
Analysis/interp of complex problems	52%	43%	49%	56%
Investigates government claims	13%	62%	66%	12%
Discusses policy as it is developed	21%	36%	38%	19%
Gets story to the public quickly	47%	69%	60%	49%
Appeals to a wide audience	70%	52%	36%	71%

[a] For percent of best work, N = 131.

[b] For percent saying media role is extremely important, N = 1,001. Source: Weaver, David H. and G. Cleveland Wilhoit. The American Journalist: A Portrait of U.S. News People and Their Work. Bloomington: Indiana University Press, 1986, p. 114.

Table 3 Percentage of Stories Characterized by Disseminator, Interpretive or Adversarial Role Perceptions Compared to Those in This and Overall Sample of Journalists Who Endorse Role Perceptions and Write Stories of Each Category

	Percent of Stories (N=131)	Percent who Endorse Role		Percent who endorse Role and write story in this category (n=131)
		(N=131)	(N=1,001)[a]	
Disseminator	36%	24%	51%	44%
Interpretive	46%	46%	62%	33%
Adversarial	14%	15%	17%	6%

[a] For percent who endorse media role N = 1,001. Source: Weaver, David H. and G. Cleveland Wilhoit. The American Journalist: A Portrait of U.S. News People and Their Work. Bloomington: Indiana University Press, 1986, p. 116.

Table 4 Means and Percentages for Source Categories from Newspaper Stories (N=120)

Source Category	Percent of All Sources	Percent of Stories With this Type	Mean Number per Story[a]
Identification of Sources			
Identified	89%	98%	4.6
Anonymous	9%	30%	.6
Institutional Nature of Sources			
Institut.	70%	89%	3.9
Non-institut.	26%	51%	1.2
Spec. int. group	4%	14%	.3
Nature of Sources			
Female	15%	41%	.9
Male	71%	94%	3.6
Documentary	8%	30%	.5

[a] Mean number of sources per story = 5.3

Table 5 Percent of Stories Representing Journalists' Best Work Covering Events, Issues or Both and Whether Events were Anticipated or Unexpected

	Story based on: (N=131)			For event stories only: (N=64)	
	Event	Issue	Both	Anticipated	Unexpected
Percent	34%	48%	12%	39%	48%

Table 6 Percent of Stories Representing Journalists' Best Work Containing Evidence of News Values (N=131)

News Value	Percent of stories containing this news value
Proximity	76%
Impact	62%
Conflict	50%
Unusualness	48%
Timeliness	46%
Prominence	21%

Table 7 Percent of Stories Representing Journalists' Best Work Containing Evidence of Enduring Values (N=131)

Enduring Value	Percent of stories containing this enduring value
Social Order	47%
Individualism	37%
Moderatism	34%
Altruistic Democracy	33%
Small Town Pastoralism	28%
Responsible Capitalism	21%
National Leadership	18%
Ethnocentrism	5%

THE DISAPPEARING NEWSPAPER READER

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THE DISAPPEARING NEWSPAPER READER

Introduction

For almost a half century, American newspapers have been, figuratively speaking, whistling past the graveyard. In this case, the forced cheerfulness is based on continued high profits while readership declines steadily. The question for the next century is at what point the current downward trend line will finally level off or whether newspapers as we know them will become museum artifacts, like illuminated manuscripts and hand-set type.

This paper considers some of the reasons for this decline and what might be done about it, but the main emphasis is on documenting and explaining the decline of readership. Two sets of time-series media-use data are analyzed with the technique of cohort analysis that allows us to address, if not answer fully, some of the alternative explanations for the phenomenon.

U.S. Media Use, Relatively Speaking

Of the world's approximately 10,000 daily newspapers, more are published in the United States than in any other country. However, the United States is a nation of small daily papers. Of the 1,643 dailies, 85% in 1988 had less than 50,000 circulation only 43 dailies sold more than 250,000 copies.[1] These figures might be compared with Britain where six of London's 12 dailies have circulations greater than one million. To be sure, the London papers are all national in distribution and focus, and only one of the six belongs to the exclusive club of "quality" papers. Whether the reader of the small "average" American daily is better served than the reader of the "average" British paper -- certainly one of the tabloids or provincial dailies rather than the five quality London dailies -- is a question best left to late-night pub discussions. In Japan, which has less than half the population of the United States but a similar total daily newspaper circulation, the large papers automatically deliver both a morning and evening paper. Numbers alone are not an adequate guide.

Of more importance than total circulation is circulation per capita. In a study of UNESCO data from the mid-1980s, Lewenstein found that the United States ranked 18th in circulation per capita among 26 reasonably newspaper-rich countries. The United States was barely ahead of Kuwait and Hungary and behind Czechoslovakia, Singapore, and most Northern European nations.[2] In Japan, the penetration figure is more than twice that of the United States, a product of circulation practices as well as the Japanese proclivity toward newspaper reading. Obviously, not too much should be made of national comparisons because many of the figures supplied to UNESCO are without benefit of circulation audits or are guesses provided by government bureaucrats responding to UNESCO's periodic questionnaires. Obviously as well, newspaper readership in the United States does not place the country anywhere near the top of the industrialized democracies of the world. In fact, as in education and infant mortality, we are near the bottom. A first question to consider is whether the trend is headed up or down.

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[1] Data from '89 Facts About Newspapers. Washington, DC: American Newspaper Publishers Association.

[2] Marion Lewenstein, "Global Readership," Presstime (Sept., 1987), pp. 10-11. Heavy readership is not the case in all European countries. Per capita circulation was lower in Belgium, Canada, France, Italy, and Spain than in the United States.

Table 1 shows total daily circulation and per capita circulation derived from ANPA and Census Bureau figures.[3] The circulation figures themselves don't look too bad: a slow but steady increase from the end of World War II, with a flattening and slight dip in the 1970s and modest recovery since then. The problem, of course, is that the newspaper industry, which didn't seem to take notice until total circulation actually dropped between 1970 and 1975, failed to take into account the much faster increase in total population. While the industry was moving ahead, it was falling farther behind. The change from 382 copies per 1,000 population in 1946 to the estimated 253 copies per 1,000 in 1990 represents a drop of 34% since the end of World

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[3] This chart uses circulation per capita rather than per household because it permits comparisons with other countries and because household data are not readily available for the postwar years. Use of household data for the full period would show an even sharper decline because as households/families decrease in size, they increase in number faster than the overall population. For example, in 1970, there were 63.4 million households (average size: 3.14 people) or .979 newspapers printed per household; in 1985, the number of households (average size 2.69 people) had grown to 86.8 million while newspaper circulation per household had dropped to .723, a decline of 26% in 15 years.

War II. The decline in circulation is slow, steady, and apparently irreversible.

Table 1 about here

Until the 1970s, the general industry attitude was to ignore the problem. After all, total circulation was increasing, and the relative decline, when acknowledged at all, was often attributed to a decline of multiple-newspaper households and postponement of marriage. Some people still find it hard to imagine a day without a newspaper, but the number who get along just fine, thank you, is growing.

Meyer looked at national data from the National Opinion Research Center (NORC) from 1967 to '83 -- the same source of one data set used in this study but different years -- to see if the non-reading habit followed the s-curve associated the diffusion of many social innovations.[4] The argument was that social change, such as giving up the newspaper, would begin among the youngest people, spread throughout the population as they aged, then eventually bottom out when it had no place else to go. Deserting the traditional newspaper in favor of new electronic media and specialized publications might be an explanation of the readership figures. Meyer found some evidence of greater stability than had been assumed, especially among the baby boomers, and even a rebound in readership among the middle-aged cohorts in 1983 (about the same time that overall circulation

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[4] Philip Meyer, The Newspaper Survival Book (Bloomington, IN: Indiana University Press, 1985), esp. pp. 20-22.

circulation increased slightly). The question of "reverse diffusion" was left to studies of future technical innovations -- such as teletex systems -- to see if acceptance of them also begins among the young and spreads through the general population with unpleasant consequences for the traditional media.

One problem with most of the studies of newspaper readership is the lack of any theoretical framework for exploring the issue or consolidating datas from existing readership studies. Most studies are descriptive surveys that show readers to be older, better educated, and wealthier than non-readers. Some of the newer studies have added length of residency and home ownership as additional factors that separate readers from non-readers, but few go beyond description.[5]

Two theoretical or semi-theoretical explanations, beyond Meyer's "reverse diffusion" hypothesis, are the link between newspaper readership and community ties and the notion of time budget constraints that set a cap on time available for media consumption. Stamm argued that readership was functionally linked to the development of ties to the community.[6] He argued, among other things, that the the decline of cities and growth of suburbs have created a patchwork of new communities that newspapers have not learned to serve. McCombs noted the importance of a fixed time budget for media use that squeezed time available for reading. With only so much time available every day for media consumption and more and more choices, the traditional daily newspaper gets squeezed out of the media mix.[7] Both explanations bode ill for the industry because the trends they cite are gaining momentum.

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[5] Susan Miller, "America's Dailies and the Drive to Capture Lost Readers," Gannett Center Journal, 1:56-68 (Spring 1987); Gerald C. Stone, "Community Commitment: a Predictive Theory of Daily Newspaper Circulation," Journalism Quarterly, 54:509-14 (Auutmn 1977); Jeff Sobal and Marilyn Jackson-Beeck, "Newspaper Non-Readers: a National Profile," Journalism Quarterly, 58:9-13 (Spring 1981); William A. Tillinghast, "Declining Newspaper Readership: Impact of Region and Urbanization," Journalism Quarterly, 58:14-23 (Spring 1981).

[6] Keith R. Stamm, Newspaper Use and Community Ties (Norwood, NJ: Ablex, 1985). See also Leo W. Jeffres, et al., "Media Use and Community Ties," Journalism Quarterly, 65(3):575-581 (1988), and Robert L. Stevenson, "Newspaper Readership and Community Ties," ANPA News Research Report No. 18 (March 1979).

All of the readership studies showed one particularly disturbing trend: readership was lowest among the young, and the non-readership habit seemed to accompany aging. Stone, writing in the mid-1980s when the decline in readership seemed to have bottomed out, proposed five possible explanations for young people's lack of interest in newspapers: (1) the problem could be temporary; (2) it could be related to their busy, unsettled lifestyle; (3) newspapers were losing to competing media, particularly TV; (4) young adults cannot read or don't like to; or (5) they are turned off by newspaper content.[8] A large, industry-funded research program during the period pretty well discredited the first four explanations, according to Stone, but did find support for No. 5. The research showed, he wrote, that newspapers were seen as an "old people's habit," as speaking for the status quo, as being cold and impersonal and appealing to a middle-aged audience. He concluded optimistically, however, that in response, "great strides were made in using the new printing technologies, in makeup and design, indexing, humanizing stories, providing analysis, and adding columns and features for young people."[9]

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[7] Maxwell E. McCombs, Mass Media in the Market Place, Journalism Monographs No. 24 (August, 1972); also Gerald F. Kline, "Media Time Budgeting as a Function of Demographics and LIfestyle," Journalism Quarterly, 48:211-21 (1971).

[8] Gerald Stone, Examining Newspapers; What Research Reveals About America's Newspapers. Beverly Hills, CA: Sage, 1987.

Stone's conclusions were based on a series of mostly quantitative studies sponsored by the American Newspaper Publishers Association (ANPA), but the American Society of Newspaper Editors commissioned two influential studies that were short on statistics but strong on the kind of qualitative evidence editors could understand and identify with. The first "Ruth Clark study" in 1979 -- named after their author -- argued in favor of what had always been called "soft news" written in short, easy-to-read stories that made the reader feel personally involved. All this in an attractive format that invited browsing.[10]. A second report, published midway through the '80s, changed course and urged a return to a more traditional definition of news, but with special efforts to appeal to the elusive younger readers. The Clark reports plus the apparent success of USA Today were a strong incentive for papers to change their approach to content and layout. Innovations in design were apparent in most papers; change in the traditional content was less universal, but some papers made efforts to shape the editorial package to the supposed interests of younger readers. Apparently the slick graphics, color maps, and dummied-down content (to use a cynical phrase for the change) didn't help because, as Table 1 shows, penetration continued to sink during the 1980s, and total circulation grew only slightly. The best that can be said is that they may have acted as a slight brake on the decline of readership.

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[9] Ibid, p. 123.

[10] Ruth Clark, Changing Needs of Changing Readers: a Qualitative Study; of the New Social Contract Between Newspaper Editors and Readers. Reston, VA: American Society of Newspaper Editors, 1979.

Despite the emphasis given to declining readership and the copying of USA Today techniques, readership has continued to drop. In 1967, 73% of a national sample said they read a newspaper "every day." A repeat survey in 1988 indicated daily readership had dropped to 51%, a decline of 30% in two decades.[11] It is some consolation that the other half of the American population isn't completely estranged from newspapers. In the 1988 survey, 24% said they read "a few times a week," 12% "once a week," and 9% less than once a week. Only 5% said they never read a newspaper. USA Today attributed the decline to the usual reasons: increased competition from other media, dwindling leisure time of two-income families, illiteracy, and the growth of the non-English-speaking population.

Both the penetration and readership statistics plot a steady drop in newspaper use that, so far, has resisted industry efforts to stem the hemorrhage. In theory, at some point in the 21st century, daily readership could drop to zero. That is not likely

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[11] Haya El Nasser, "Publishers Brace for the Future." USA Today, Apr. 24, 1989, p. B1. The data are from surveys sponsored by the Newspaper Advertising Bureau.

to happen, of course, but already roughly half the American population does not include a newspaper in its daily routine, a segment that has doubled in size in two decades.

The NAB surveys don't tell us much about the dynamics of this change, but repeated surveys at the national and state level can. With the technique of cohort analysis, we can examine whether age and education are declining as factors influencing readership and, more pertinent to the trend of declining readership, how specific birth (or age) cohorts are changing as they mature.

Data and Method

Data. Data for this analysis are taken from two sources. The first is the General Social Survey (GSS), a national survey of the United States carried out each year by the National Opinion Research Center (NORC) at the University of Chicago. Sample size is about 1,500. The GSS is an important but underused research resource that repeats a series of key questions, including one about newspaper readership. For this paper, data from the 1975 and 1985 surveys were used.

The second source is a survey of North Carolina, which is carried out each semester jointly by the UNC-CH School of Journalism and the Institute for Research in Social Science (IRSS). Although the main part of the questionnaire varies from survey to survey, a standardized block of demographic and media-use questions is repeated. These include measures of newspaper readership and viewing of television news. In every survey, respondents are asked how many days during the past seven they read a daily newspaper and watched evening network television news.

The Carolina Poll is a telephone survey that uses a standard random-digit-dial technique to select households and the "next birthday" method to select respondents within households. Except in pre-election surveys, sample size is 600. The sampling method appears to underrepresent blacks and young men slightly, according to estimates of state population characteristics but produces remarkably consistent samples. Since we are not using the data to estimate population parameters, weighting of the data is not necessary. The GSS is a lengthy personal interview conducted by professional interviewers; data in this analysis are from a weighted data set.

Method. Cohort analysis is neither a specific statistic nor a formal technique of data analysis. Rather it is a logic for analyzing data collected from the same population at a minimum of two points in time. Glenn describes it as "any study in which there are measures of some characteristic of one or more cohorts (birth or otherwise) at two points in time."[12] The term cohort -- originally meaning Roman military units -- refers to any group whose members have experienced some significant event together. The event commonly results from birth dates, but need not be limited to that. Hence, the usual reference is to "birth cohorts" as represented by the "Vietnam War generation," the

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[12] Norval D. Glenn. Cohort Analysis. Sage University paper series on Quantitative Applications in the Social Sciences No. 07-005. Beverly Hills: Sage, 1977.

"baby boomers," or even the "Pepsi generation," but one could also consider war veterans or supporters of President Bush in the 1988 election as a distinct cohort.

Cohort analysis requires comparable data from the same population at a minimum of two points in time. For social scientists, this requirement is still an obstacle, although the regular assessment of key indicators in polls such as the Michigan election studies, the NORC General Social Surveys, and even some commercial surveys makes cohort analysis a more and more attractive technique. While it cannot deal with causal relationships as powerfully as experiments, cohort analysis allows us to trace changes in specific groups over relatively long periods of time. For that reason along, it is more powerful than the traditional analysis of cross-sectional data with age as an independent variable.

The technique of cohort analysis is simple. One divides data collected at Time 1 into appropriate cohorts -- usually age -- then repeats the process at Time 2, Time 3, etc. The data need to be arrayed so that the cohorts remain intact across time: the cohort of respondents in their 20s in 1960 then can be compared with respondents in their 30s in 1970s and those in their 40s in 1980. The people are not the same, of course, but to the extent that sampling techniques are held constant, the cohorts are, and the analysis allows us to chart changes in generations across time.

Once the cohort table is assembled, three kinds of "effects" can be assessed (the quotation marks acknowledge the loose definition of the word). They are age effects, event effects, and cohort effects. If differences by age occur at each point in time, we can conclude that the influence of age remains constant, and individuals change as they grow older. This supports the folk wisdom that boys will be boys or that the elderly are always like that. In constrast, if all age cohorts change between two points in time, we can speak of an event that affected all age groups simultaneously. We often assume that great social upheavals, such as the Vietnam War, the Depression, etc., influenced all strata of the population and that their influence could be observed by abrupt changes in all age cohorts between 1960 and 1970 or between 1925 and 1935. Event effects are implicit, of course, in discussions of the "war generation" or "successor generation" in Europe. Finally, if the behavior of a specific birth cohort remains constant as its members age, we can speak of a cohort effect. Overall behavior of the population changes, but it is the result of new cohorts entering the population, while older cohorts diminish in numbers. For example, a common argument in the discussion of newspaper readership decline is that young people today pick up the readership habit later than their parents but still will become regular readers; the counterargument is that each generation reads less frequently than the generation it replaces. With cohort analysis, we can address these considerations directly.

Cohort effects are, in some sense, the interaction of age and event effects. They, along with age and effects, are visible -- or invisible -- mostly to the eye of the beholder. Age effects appear as differences within columns of a table; event effects show as differences across columns, and cohort effects are represented by consistent patterns along the diagonals of the table. Alas, there are no tests of the relative strength of each effect; even the existence of the effect may be in question. Still, the power of cohort analysis is great enough compared to, say, age breakdown of a single survey that the lack of precise statistics should not deter us. The problem is usually lack of data. However, with two national General Social Surveys and two state Carolina Polls 10 years apart, we can examine the dynamics of newspaper readership over the past 15 years.

Results

Table 2 shows the cohort analysis of the national GSS data from 1975 and 1985. All three "effects" are in evidence. In both 1975 and 1985, readership increases with age. There is some evidence -- not totally consistent -- that regular readership came later in life in 1985 than a decade earlier. This is consistent with the popular wisdom that people pick up the newspaper habit later now than in previous generations. The overall drop from 66% to 53% can be interpreted as an "event effect," that is, a change in the overall frequency of readership. We can only speculate on what "event" occurred between the two dates, but it is really an extension of the trends that have nibbled away newspaper readership for almost a half century. As noted earlier, the usual suspects are (1) competition from television or other media such as free circulation papers; (2) a decline in literacy and interest in public affairs; (3) erosion of a sense of community and civic responsibility, and (4) the failure of newspapers to make themselves relevant to a changing public; (5) the introduction of new media, such as teletex.

Together, the two "effects" suggest that part of the decline can be explained by the replacement of older heavy readers by a maturing generation that does not read as much. The one remaining question is what -- if anything -- happened to the cohorts that stayed within the analysis but simply aged 10 years.

Table 2 about here

"Cohort effects" are measured by comparing one row in the 1975 column with the row below it in the 1985 column: the cohort of respondents in their 20s in 1975 represents the same people who are in their 30s in 1985. Some caution must be used in interpreting the youngest 1975 cohort. It is small because only 18- and 19-year-olds are included, and the cohort of 20-year-olds in 1985 includes respondents who were 10 to 17 years old a decade earlier and excluded from the 1975 survey. Still, the cohort effects in Table 1 are striking: across the country, every single cohort read less in 1985 than in 1975. Consider the declines among the middle-aged respondents, probably the most valuable cohorts to newspapers and advertisers: the cohort in its 20s in 1975 dropped from 52% daily readership to 42%; the 40-year-olds in 1975 dropped from 71% daily readership to 64% in a decade.

Table 3 presents equivalent data from the North Carolina surveys but updates the figures to 1989. Overall readership figures are lower than in the GSS, in part a reflection of the relatively low level of education in the state. In general, the trends are similar: a significant overall drop in daily readership -- the event effect, in the jargon of cohort analysis -- and an increase in readership with age -- the age effect.

Table 3 about here

The cohort effect is not as clear-cut. We should remember that the percentages are based on much smaller numbers (the Carolina Poll is based on 600 respondents, compared to the 1,500 of the General Social Survey), which introduces a larger sampling error[13]. Among the two youngest cohorts in 1979, there is a substantial increase in readership in the decade of the 1980s but generally a decline among other age groups. Is this evidence that the 1979 teenagers and 20-year-olds did pick up the reading habit as they aged? Possibly, but the larger national data set did not show a comparable trend, and gains at the lower end of the age curve are more than offset by a decline in readership among the older cohorts and for the population as a whole. Only a true optimist could find hope in Tables 2 and 3.

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[13] In cohort analysis, each cell percentage is calculated separately from the total of respondents in that age group. In most surveys, the youngest cohort only 18- and 19-year-olds. Technically, that is not the same cohort that appears ten years later as 20- to 29-year-olds, of course. The n's for each cell allow the reader to decide how reliable the percentages are.

A remaining question is whether newspaper losses have been matched by television news gains. Table 4 allows us to address that question. Results from the newspaper perspective are not encouraging. The first thing to note is that in North Carolina -- and perhaps in the rest of the country -- the decade of the 1980s saw the level of newspaper readership, on its way down, meet the level of evening network news viewership, on its way up. To the extent that survey respondents can and are willing to describe their exposure to news media, television news -- for the first time -- has a bigger audience than newspapers.[14]

All three "effects" are apparent in the data measuring network TV news audience, in Table 4, but most are in the opposite direction. In both surveys, age is positively related to news viewing -- as was newspaper readership -- but the data show an overall increase in viewing from 1979 to 1989 and an increase in viewing for all but the youngest cohort. This is doubly bad news for the newspaper industry. Not only are newspapers losing readers steadily, they're losing them while their strongest competitor, television news, is gaining an audience. What is to be done?

Table 4 about here

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[14] Until recently, this apparently was not true, despite the claims of the Roper Organization. An important question now is how many people tune in -- however fleetingly -- Cable News Network, CNN's Headline News or any of the cable channels that offer news at other than the East Coast standards of 6:30 and 11 p.m. This explains why the reported viewing of "evening network news" has increased, while ratings of the network early evening news programs have declined.

The industry's efforts in the 1980s, which essentially were to compete with TV by making newspapers look like TV, didn't work. Glitzy, dummied-down papers with lots of color graphics and less and less serious content didn't keep readers across the spectrum from young to old from turning to television. Perhaps newspapers should move in the opposite direction by going after the half of the population that still reads and, in the future, aiming at the best-educated half of the population that is likely to be reading in the future.[15] Both TV news viewing and newspaper readership are tied to age and to education but in different degrees. As Table 5 shows, TV news viewing is correlated with age more than with education and more than newspaper readership. The newspaper remains the medium of the educated, especially when age is held constant.

Table 5 about here

The partial correlation of +.36 between newspaper readership and education is unusually strong for social science data and a reminder that education remains the biggest factor in predicting readership. In contrast, age is the more powerful predictor for television news viewing, which is generally embedded within the broader pattern of TV viewing. People who frequently watch TV news are people who watch TV a lot; for many of them, the news is what comes between the afternoon talk shows and the pre-prime-time game shows.

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[15] This point is emphasized by Meyer, who, among other bits of advice, urges editors to "believe the research respondents when they say that national and international news are high on their list of wants." Op cit., p. 160. Readership studies, too, consistently show that "hard news" gets the highest readership, even though many editors either don't know this or don't believe the surveys.

Conclusions

Graveyard-whistlers hide their fears behind a facade of bravado. The newspaper industry, while obviously aware of the erosion of readership, often seems uncertain whether to keep whistling or face up to its fears. The readership research program, the new attention to promotion, the industry-wide redesign efforts all indicate a willingness to tackle a problem that threatens the future of the industry. Some of these actions, however, reflect a failure to appreciate the nature of the problem and dubious strategy for dealing with it. These conclusions can be drawn from the data presented in this paper:

1. The stagnation of overall circulation hides the steady decline of readership per capita. Pass-along readership is now less because households are smaller. Figures based on circulation per household show an even greater decline than the per person data shown here.

2. The positive association between readership and age is a hopeful sign, but the readership habit apparently comes later now. The ominous trend is that every age group is reading less now than 10 years ago. Each new generation does increase readership as it ages but reads less than the generation it replaces.

3. All of the efforts to mimic television have failed. In fact, all efforts to slow the decline in readership have failed.

Newspapers that try to compete with television are always at a disadvantage. TV's pictures are in color and move. The medium is always first with coverage of the dramatic event.

4. The newspaper's advantage is what it can offer to complement -- not mimic -- TV coverage. The half of the population that still includes a newspaper in its daily routine -- on the whole, the best-educated half -- is likely to respond to that kind of newspaper coverage. That's the audience newspapers ought to aim for, not the lowest common denominator of TV. The alternative may be continuation of the relentless post-war trend toward fewer and fewer readers. At some point, the trend line may, in fact, reach zero.

Table 1. Total Daily Newspaper Circulation and Circulation per Thousand Population, 1946-1990.

	U.S. Population (000s)	Daily Newspaper Circulation (000s)	Circulation per 1,000 population
1946	140,686	50,927	382
1950	152,271	53,829	353
1955	165,931	56,147	338
1960	180,671	58,881	326
1965	194,303	60,357	311
1970	205,052	62,107	303
1975	215,973	60,655	281
1980	227,757	62,201	273
1985	239,283	62,766	262
1990	249,330	63,000	253

Population data from Census Bureau; circulation data from ANPA; 1990 figures are estimates.

Table 2. "Everyday" Newspaper Readership by Age in 1975 and 1985 in United States.

	1975	1985
Age:		
Under 20	33% n=48	16% n=19
20-29	52% n=356	32% n=329
30-39	66% n=254	42% n=341
40-49	71% n=247	63% n=220
50-59	77% n=223	64% n=223
60-69	72% n=196	70% n=205
70+	76% n=154	68% n=193
Total	66% n=1488	53% n=1530

Source: NORC General Social Surveys.

Table 3: Newspaper Readership Seven Days Out of Past Week in North Carolina.

Age:	1979	1989
Under 20	20% n=30	25% n=16
20-29	33% n=143	27% m=122
30-39	48% n=129	42% n=158
40-49	57% n=92	42% n=110
50-59	73% n=92	57% n=69
60-69	64% n=84	63% n=93
70+	59% n=41	62% n=64
Total	51% n=611	45% n=633

Table 4. Evening Network TV News Viewing Seven Days Out of Past Week in North Carolina.

Age:	1979	1989
Under 20	37% n=30	19% n=16
20-29	29% n=143	25% n=122
30-39	32% n=129	36% n=158
40-49	40% n=92	60% n=110
50-59	52% n=92	59% n=69
60-69	63% n=84	75% n=93
70+	56% n=41	67% n=65
Total	42% n=611	49% n=633

Table 5. Regression of Media Use on Age and Education, 1989 North Carolina Data.

	Multiple R	Simple r	Partial r*
Newspaper Readership:			
Education	.28	.28	.36
Age	.40	.19	.30
Watching Evening Network Newscasts:			
Education	.05	.05	.11
Age	.23	.20	.23

*Controlling for other demographic.

JOAs and Advertising Rates: A Comparison with Monopoly Markets

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JOAs and Advertising Rates: A Comparison with Monopoly Markets

Overview

The effects of joint operating agreements on the newspaper industry have been the subject of intense scrutiny among media scholars in recent years, largely in response to the recent controversial application for and subsequent approval of a JOA between the Gannett Company-owned Detroit News and Knight-Ridder's Detroit Free Press. Critics contend this mega-merger will result in monopoly level prices for advertising and circulation, and, in effect, rewards them for their previous mismanagement.

JOAs are formed when two newspapers within a market merge their business operations, including their advertising, printing and circulation departments, but maintain separate editorial staffs. In theory at least, a JOA provides a more efficient use of resources while preserving editorial diversity. Under the Newspaper Preservation Act of 1970, two newspapers may form a JOA when one of them can prove to the satisfaction of the U.S. attorney general that it is "in probable danger of financial failure."[1] The Act exempts competing newspapers from antitrust regulation and allows them to share profits according to negotiated fixed formulas. The rationale behind its passage was to keep alive editorial voices that would otherwise be forced out of business.

JOAs are set up in two ways. In most cases, the newspapers establish a separate "agency" to handle their business operations, including advertising sales. In other situations, one newspaper takes over those functions for the other paper, acting as an "agent" (see Table 1). JOA contracts are entered into for varying lengths, and some provide for renegotiation of the terms at renewal points.

When the Newspaper Preservation Act was passed, it had the effect of "grandfathering in" 22 JOAs that were already in operation. Fifteen of the original 22 still exist. However, one of those fifteen, the JOA between the Persis Corporation-owned Knoxville Journal and the E.W. Scripps Company's Knoxville News-Sentinel, is scheduled to be dissolved on Jan. 1, 1992, due to a dispute over the purchase by the Persis Corporation of the Daily Times in nearby Maryville, Tenn.[2]

Six JOAs have been approved since 1970, one of which was later dissolved, leaving 20 JOAs currently in place. In addition to the 20 JOAs in operation, there are only about 18 U.S. cities that have two or more separately owned, competing newspapers. Less than half of those are perceived as potential sites for future JOAs.[3] Such a small number of remaining competitive markets would seem to suggest that the Newspaper Preservation Act's potential impact on the future of the newspaper industry is clearly limited. However, with at least one application for JOA approval between a weekly newspaper and a daily newspaper pending (Manteca, Calif.), a new form of JOA may soon be emerging.

Research on the Newspaper Preservation Act's impact on editorial content has shown that JOA newspapers spend more on their news products than monopoly papers do, but not as much as competing, separately owned and operated newspapers in the same market.[4] This would suggest, from an editorial point of view at least, that a JOA is more desirable than allowing a newspaper in a competitive market to fail naturally, leaving one monopolistic newspaper behind.

The purpose of this paper is to examine and compare the advertising rate structures adopted by newspapers in monopoly, competitive and joint operating agreement markets. Existing studies have shown that advertising rates charged by competitive newspapers are lower than the rates charged by monopoly newspapers.[5] This study compares the rates charged by newspapers in JOAs with the rates charged by newspapers in monopoly and competitive markets. If JOAs are indeed the lesser of two evils -- better than having just one newspaper in a market but worse than pure competition -- it should follow that the rates charged by JOA newspapers are lower than the rates charged by newspapers in pure monopoly markets, but higher than the rates charged by newspapers in competitive markets.

TABLE 1: Listing of Joint Operational Newspapers

City/ Newspaper	Daily Circulation	Business Arrangement	Year JOA began
Birmingham, AL			
Birmingham News	170,029	Agent for both	1950
Birmingham Post-Herald	61,524		
Tucson, AR			
The Arizona Daily Star	80,255	Separate Agency	1940
Tucson Citizen	55,315		
San Francisco, CA			
San Francisco Chronicle	559,312	Separate Agency	1965
San Francisco Examiner	138,388		
Honolulu, HI			
The Honolulu Advertiser	93,200	Separate Agency	1962
The Honolulu Star-Bulletin	96,383		
Evansville, IN			
The Evansville Courier	63,441	Agent for both	1938
The Evansville Press	36,893		
Fort Wayne, IN			
The Journal-Gazette	62,444	Separate Agency	1950
The News-Sentinel	56,991		
Shreveport, LA			
The Times	77,907	Separate Agency	1953
Shreveport Journal	19,782		
Detroit, MI			
Detroit News	677,385	Separate Agency	1989
Detroit Free Press	629,065		
Albuquerque, NM			
Albuquerque Journal	115,902	Separate Agency	1933
Albuquerque Tribune	41,979		
Cincinnati, OH			
The Cincinnati Enquirer	193,445	Agent for both	1979
The Cincinnati Post	110,781		
Tulsa, OK			
Tulsa World	124,270	Separate Agency	1941
The Tulsa Tribune	69,355		
Pittsburgh, PA			
The Pittsburgh Press	227,040	Agent for both	1961
Pittsburgh Post-Gazette	167,646		
York, PA			
The York Dispatch	48,017	Separate Agency	1990
York Daily Record	40,502		

TABLE 1 Continued

City/ Newspaper	Daily Circulation	Business Arrangement	Year JOA began
Chattanooga, TN			
Chattanooga News-Free-Press	56,945	Separate Agency	1980
The Chattanooga Times	47,971		
Knoxville, TN			
The Knoxville News-Sentinel	98,561	Agent for both	1957
The Knoxville Journal	42,046		
Nashville, TN			
The Tennessean	125,136	Agent for both	1937
Nashville Banner	64,475		
El Paso, TX			
El Paso Times	60,363	Agent for both	1936
El Paso Herald-Post	29,852		
Salt Lake City, UT			
The Salt Lake Tribune	108,372	Separate Agency	1952
The Deseret News	58,543		
Seattle, WA			
The Seattle Times	237,245	Agent for both	1983
Seattle Post-Intelligencer	206,155		
Charleston, WV			
The Charleston Gazette	54,804	Separate Agency	1958
Charleston Daily Mail	50,905		

Sources: Listing - American Newspaper Publishers Association;
Circulation figures - 1989 Editor & Publisher Yearbook.

Literature Review

Criticism of the Newspaper Preservation Act in the literature is abundant. Most commonly the Act is accused of facilitating a joint operating monopoly where normal newspaper competition is still possible. At least one critic has charged that the Act in its present form "preserves nothing that is worth keeping."[6] Busterna argues that because JOA newspapers are allowed to collude in setting prices, this collusion allows them to restrict output, raise prices and collect monopoly profits. He maintains that joint operating newspapers have yet to show they provide any editorial content benefits over single or dual monopoly newspapers, although some scholars have argued otherwise. Busterna argues that the only thing preserved by a JOA (and increased) is profits. He calls for a modified Newspaper Preservation Act that eliminates the profit pooling and price fixing aspects of JOAs.[7]

The author of a 1980 case study determined that the Newspaper Preservation Act has "saved no newspaper from failure," but rather has "merely enriched the profitability of two newspapers that no longer compete in any sense of the term."[8] Similarly, the Act's exemption of joint operating agreements from antitrust enforcement has been criticized for ignoring the First Amendment interests of smaller competitive newspapers and weeklies.[9]

On the other hand, Lacy argues that repealing the Newspaper Preservation Act would result in the closing of newspapers in most or all of the cities currently operating under JOAs. He further asserts that this would result in decreased competition for news and leave readers less well served by the surviving newspaper than they are now by two newspapers operating jointly.[10]

A key point of debate in the JOA controversy stems around the issue of chain ownership of the newspapers involved. In the Detroit situation, for example, the News and the Free Press are both owned by large media corporations with sizable resources. There is strong sentiment among media critics against granting an antitrust exemption in the name of editorial diversity to newspaper chains, which critics charge promote homogeneity. Nevertheless, the Act, as enacted, defines a "failing newspaper" eligible for JOA consideration as a "publication which, regardless of its ownership or affiliations, is in probable danger of financial failure."[11] Interpretation of the Act since its passage has been consistent with that definition, and, ironically, chain ownership has actually worked to the advantage of some newspapers seeking JOA approval. For example, in his recommendation for a JOA to be approved between the Hearst-owned Seattle Post-Intelligencer and the Seattle Times, Administrative Law Judge Daniel H. Hanscom stated, "In determining whether the Post-Intelligencer is in probable danger of financial failure, it must be considered as if it were a free-standing entity, separate and independent. ... Were it not for infusions of capital from Hearst, the probabilities are that the Post-Intelligencer would have failed long ago."[12]

Coulson nevertheless argues that the constitutional guarantee of a free press demands a halt to the steady encroachment of chain ownership and consolidation presently taking place within the newspaper industry. He maintains that existing antitrust law, most notably JOA exemptions from antitrust regulation, is ineffective as a check against chain growth because it does not apply to a collection of individual newspapers operating in different cities.[13]

Determining what constitutes a "failing newspaper" has been a frequent subject of debate in which a satisfactory answer has yet to be provided. The presence of a "downward spiral" is often cited in the literature as a sign of failure. According to Rosse, a downward spiral takes place when the secondary newspaper in a market begins to lose advertising to the primary newspaper, which leads to a drop in circulation for the secondary paper. The secondary paper's drop in circulation begins to grow, which results in a further loss of advertising. As more and more advertising shifts to the primary paper, the secondary paper begins to lose money and its financial losses grow at an accelerating rate. The primary paper, inversely, grows larger and more profitable. Rosse argues that the fundamental long-run cause of a downward circulation spiral is a newspaper's loss of effective market segmentation.[14] Picard found that a downward circulation spiral was present in four out of five JOAs approved subsequent to the passage of the Newspaper Preservation Act.[15]

While JOAs have been criticized for their monopoly-inducing effects on a marketplace, there are many other factors that play in the determination of a newspaper's advertising rates, such as the ownership of the newspaper, intramedia competition, intermedia competition, and inter-city competition. Retail sales, GNP, and unemployment levels nationally and locally also have an effect on advertising rates.

There is some controversy over how the presence of a JOA in a metropolitan area affects neighboring suburban newspapers. Publishers of suburban papers have contended that the economic advantages of JOAs make it easier for the combined dailies to dominate a market and thereby squeeze out the competition from suburban papers. Neibauer, however, found no support for that contention. Instead, he found that the circulation figures for suburban newspapers in areas with JOAs were more than double those for suburban newspapers in areas with competing dailies.[16] In a related study, Niebauer et al. found that having a JOA in a central market does not result in fewer suburban newspapers. In fact, Niebauer demonstrated that the newspaper market structure of the central city does not extensively influence either the existence of suburban newspapers or their circulation. Instead, the population size of the suburb was shown to be the major determinant of the existence of a suburban paper. The larger the suburb, the greater the likelihood for a suburban paper to be in operation.[17]

In an analysis of the national advertising rates charged by Gannett-owned newspapers in monopoly markets versus independent newspapers of comparable size in monopoly markets, Busterna showed that Gannett papers charge, on average, 55 percent more than non-Gannett papers for national advertising.[18] One possible explanation for such a discrepancy offered by Blankenburg is that Gannett-run newspapers are operating under the benefit of better information and more sophisticated management.[19] Busterna, on the other hand, contends that large chains have the power to charge prices that independent and small-chain newspapers cannot.[20]

Yet another study by Busterna found that publishers and managers of independently owned newspapers were less profit-motivated in the management of them than were publishers and managers of chain-owned newspapers.[21] Similarly, Demers and Wackman found that editors of chain-owned newspapers are more likely than editors of independently owned newspapers to identify profit as one of their organization's top goals.[22]

With the overwhelming majority of U.S. daily newspapers operating in monopoly markets, an interesting angle for analysis is the competitive impact of other media within a market such as television, radio, and cable stations. In 1988, however, Lacy found that the presence of other media outlets within a market had substantially less of an impact on the competitive nature of a newspaper than the presence of another newspaper within that market or even in a neighboring market.[23]

Method

As the literature suggests, the elimination of business competition between two newspapers in a market where it previously existed could present later repercussions in the form of monopoly level advertising prices. If such an allegation is correct, as posited by Busterna, a cost per thousand (CPM) of retail advertising rates at JOA newspapers should be at the same level as those rates being charged by newspapers in monopoly markets. An investigation into the advertising rates charged by newspapers in these different environments is therefore warranted.

This study compared the CPMs for a full page of black and white advertising for newspapers in the following categories: the 40 U.S. daily newspapers operating under JOAs (20 cities), 35 U.S. daily newspapers (including three newspapers in New York City) operating in competitive markets (newspapers serving the same city as a primary market, foreign-language newspapers excluded), and a stratified sample of 50 newspapers in monopolistic markets similar in size to the other two categories. Combination rate CPMs for the JOA newspapers were also computed to provide an additional angle of comparison.

CPMs were computed using the following standard formula:

$$\text{CPM} = \frac{\text{Cost of 1 page (black \& white) X 1,000}}{\text{circulation}}$$

The costs for one page of advertising were computed using published retail advertising rates in effect during June 1990, assuming a 129-inch broadsheet page. Local display rate cards were obtained from each newspaper in the analysis to verify those rates. In order to avoid using the generally unrealistic "open rate" charged by newspapers, the per inch rate for an annual bulk contract of 100 inches at the local retail display rate was determined for each newspaper. This rate seemed to best reflect the actual rates that would be paid by local advertisers with moderate-to-small newspaper advertising budgets. The CPMs were then computed for each newspaper based on this rate. National rates were not included in this analysis in order to concentrate on the effects of JOAs on local businesses.

The mean CPM values were computed for each category and compared using a t-test in the following combinations: monopoly papers vs. JOA papers, competitive papers vs. JOA papers, and monopoly papers vs. competitive papers. The JOA advertising rates were computed and analyzed overall, by dominant papers in the markets, by secondary papers in the markets (usually the "failing" papers prior to the formation of the JOA), and by the combination rates offered by the JOA papers.

Assuming for the sake of argument that a JOA between two newspapers is more desirable than having one monopolistic newspaper in a market, the following hypothesis was proposed:

> H_1: The average CPM for retail advertising in monopoly market newspapers is significantly higher than the average CPM for retail advertising in JOA newspapers.

Continuing with the logic that JOAs should provide a compromise between monopolistic and competitive markets, an additional hypothesis was proposed:

H_2: The average CPM for retail advertising in competitive market newspapers is significantly lower than the average CPM for retail advertising in JOA newspapers.

If JOAs in fact provide a compromise position between competitive and monopoly markets, their advertising structures should similarly offer a compromise situation -- average CPMs that are lower than those in monopoly markets but higher than those in competitive markets.

Results

The data in this analysis do not support the notion that a JOA provides a compromise -- at least in the form of advertising rates -- between monopolistic and competitive markets. The first hypothesis is not supported. In fact, the results suggest the inverse may be more accurate. The average CPM for newspapers operating in JOAs is higher than the average CPM for newspapers operating in monopoly markets at a confidence level approaching significance (see Table 2).

On the other hand, it is clear that the average CPM for competitive newspapers is significantly lower than the average CPM for JOA newspapers, supporting the second hypothesis (see Table 3). These two findings seem to suggest that JOAs do in fact lead to monopoly level advertising prices.

TABLE 2: Comparison of Mean CPMs at Monopoly and JOA Newspapers

	Monopoly Papers	JOA Papers			
		Overall	Dominant	Secondary	Combination Rates
Mean CPM	$45	$53*	$43	$63**	$31**
t-value		1.85	.52	3.35	4.12
df		88	68	68	68

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*Significant at p<.10
**Significant at p<.05

TABLE 3: Comparison of Mean CPMs at Competitive and JOA Newspapers

	Competitive Papers	JOA Papers			
		Overall	Dominant	Secondary	Combination Rates
Mean CPM	$38	$53**	$43	$63**	$31*
t-value		2.89	1.08	3.86	1.70
df		73	53	53	53

*Significant at $p<.10$
**Significant at $p<.05$

TABLE 4: Comparison of Mean CPMs at Monopoly and Competitive Newspapers

	Monopoly Papers	Competitive Papers
Mean CPM	$45	$38**
	(n=50)	(n=35)

**Significant at $p<.05$, $t=2.05$, 83 df

Caution should be exercised when interpreting these results because there is a large disparity between the rates offered by the dominant JOA newspapers and the secondary JOA newspapers. The average CPM for the purchase of space in the secondary JOA papers is nearly 50 percent higher than the average CPM for space in the dominant JOA papers. It should be emphasized, however, that the dominant JOA papers' average CPM is not statistically different from the average CPM offered by monopoly newspapers, providing further credence to the allegation that JOAs lead to monopoly level prices. It is misleading to say, however, that the advertising rates charged by JOA newspapers overall are higher than the advertising rates charged by monopoly newspapers. It is actually the advertising rates charged by the secondary newspapers in JOAs that are consistently higher than those in monopoly markets, while the advertising rates charged by the dominant newspapers in JOAs are comparable to those in monopoly markets.

These findings provide little support for the desirability of a JOA from an advertiser's perspective. However, they only tell part of the story. In each of the 20 joint operating agreements in place a combination rate is offered by the newspapers that allows advertisers to purchase space in both papers at a greatly discounted rate. The most positive aspect about the advertising rates offered by JOA newspapers revealed in this analysis is the combination buy. A comparison of the average CPM for the combination rates charged by JOA newspapers versus the average CPM for the advertising rates charged by monopoly papers presents an entirely different picture than the one before. Here, the rates charged by JOA newspapers are most favorable, and the CPM is significantly lower than the average CPM for monopoly newspapers (see Table 2). The discounted rate offered to advertisers who opt to buy space in both newspapers is a relatively efficient buy in terms of mass exposure. Not only does the combination rate provide a more efficient CPM than is available at monopoly newspapers, but the average CPM for the combination rates charged by JOA papers is actually lower than the average CPM for the advertising rates charged by competitive newspapers at a level approaching significance (see Table 3). Consequently, the JOA buy, while not always the best when considered individually, as part of a combination buy provides one of the best values in newspaper advertising -- at least as good as the rates charged by competitive newspapers and often better.

To summarize, these data reveal two important points. First, the evidence shows that advertising rates charged by JOA newspapers individually are at least as high as those charged by newspapers in monopoly markets, if not higher, particularly at secondary JOA newspapers. Second, the CPM for combination advertising rates charged by JOA newspapers is significantly lower than the CPM for rates charged by monopoly newspapers, which makes a JOA buy more desirable for advertisers than a single newspaper buy in a monopoly market. In nearly all cases the pricing structure of advertising rates at JOA newspapers is designed to discourage a single buys, particularly in the secondary papers.

Discussion

The formation of a JOA within a formerly competitive market offers good news and bad news for advertisers. The good news is that the combination rate that comes with a JOA often allows advertisers the opportunity to buy a lower CPM than they were able to get formerly from two competing newspapers. The bad news is that after the formation of a JOA, advertisers may have to spend more to get that value.

While the CPM for combination rates at JOA newspapers, on average, is the lowest of all categories, the actual dollar rates are of course higher than the rates that were charged by the individual newspapers before the JOA was formed. Advertisers who want to purchase space in only one newspaper, for demographic reasons perhaps, will have to pay monopoly level prices for that single newspaper buy after the formation of a JOA. This would suggest that big advertisers who seek the greatest market coverage may benefit the most from the formation of a JOA, while smaller advertisers who may not necessarily want the vast exposure a combination buy affords may benefit the least.

Advertisers who were purchasing space solely in the dominant newspaper before the formation of a JOA stand to benefit the most. For a nominal extra charge, they can get the additional exposure of the secondary newspaper. Advertisers who were purchasing space solely in the secondary newspaper before the formation of a JOA must alter their advertising programs the most. Single buys in the secondary newspaper no longer make sense on a CPM basis, but a combination buy requires a larger cash outlay than the advertiser was spending prior to the JOA.

This finding, consequently, provides support for both sides of the JOA debate. Critics charge that the approval of a JOA between two newspapers ultimately leads to monopoly level advertising prices because of the resulting collusion and loss of competition. This analysis supports that charge for advertising bought from individual JOA papers, but also shows that the buying power of the combination rate for two JOA newspapers can be even stronger than was available to advertisers under a competitive market. In spite of the fact that H_1 cannot be confirmed, this analysis provides at least some support for the JOA option versus allowing a newspaper to fail in a competitive market from the advertiser's perspective. By offering an additional, independent editorial voice as well as a CPM to advertisers that is lower than what is available in most monopolistic markets, JOAs continue to serve an important function.

Additional research into the spending patterns of advertisers after the formation of a JOA is warranted to illuminate this finding further. The availability of zoned editions in many JOA papers and an analysis of their relative value versus ROP advertising would provide further insight on this subject and may well reveal how many smaller advertisers in JOA markets are coping with the pressure to purchase space in both newspapers.

Footnotes

[1] Newspaper Preservation Act, 15 U.S.C. 1801-4 (1970).

[2] George Garneau, "Knoxville JOA to be Dissolved," Editor & Publisher, June 16, 1990, p. 13.

[3] George Garneau, "Abrupt Shutdown," Editor & Publisher, June 2, 1990, p. 14, and Mary A. Anderson, "JOA Law May Be at a Turning Point," Presstime, October 1989, pp. 6-9.

[4] Stephen Lacy, "Content of Joint Operating Newspapers," in Robert G. Picard et al., eds., Press Concentration and Monopoly, (Norwood, N.J.: Ablex, 1988), pp. 147-160.

[5] See, for example, Gerald L. Grotta, "Consolidation of Newspapers: What Happens to the Consumer?" Journalism Quarterly, 48:149 (Summer 1971) and J.H. Landon, "The Relation of Market Concentration to Advertising Rates: The Newspaper Industry," The Antitrust Bulletin, Vol. XVI (Spring 1971).

[6] John C. Busterna, "Commentary: Improving Editorial and Economic Competition with a Modified Newspaper Preservation Act," Newspaper Research Journal, 8:71-83 (Summer 1987).

[7] Ibid.

[8] Gail Lund Barwis, "The Newspaper Preservation Act: A Retrospective Analysis," Newspaper Research Journal, 1:27-39 (Winter 1980).

[9] Anita M. Carlson, "The Newspaper Preservation Act: The Seattle Application," University of Illinois Law Review, 669-699 (1982).

[10] Stephen Lacy, "Commentary: Impact of Repealing the Newspaper Preservation Act," Newspaper Research Journal, 11:2-11 (Winter 1990).

[11] Newspaper Preservation Act, op. cit.

[12] In Re Seattle Times, 8 Med. L. Rptr. 1081 (1982).

[13] David C. Coulson, "Commentary: A First Amendment Perspective on Antitrust Law and Newspaper Chain Ownership, Monopoly," Newspaper Research Journal, 7:35-42 (Summer 1986).

[14] James N. Rosse, "The Evolution of One Newspaper Cities," Proceeding of the Symposium on Media Concentration, Bureau of Competition, Federal Trade Commission, December 14-15, 1978, pp. 456-459.

[15] Robert G. Picard, "Evidence of a 'Failing Newspaper' Under the Newspaper Preservation Act," Newspaper Research Journal, 9:73-82 (Fall 1987).

[16] Walter E. Niebauer Jr., "Effects of the Newspaper Preservation Act on the Suburban Press," Newspaper Research Journal, 6:41-49 (1984).

[17] Walter E. Niebauer Jr., Stephen Lacy, James M. Bernstein and Tuen-yu Lau, "Central City Market Structure's Impact on Suburban Newspaper Circulation," Journalism Quarterly, 65:726-732 (Fall 1988).

[18] John C. Busterna, "National Advertising Pricing: Chain vs. Independent Newspapers," Journalism Quarterly, 65:307-312, 334 (Summer 1988).

[19] William B. Blankenburg, "A Newspaper Chain's Pricing Behavior," Journalism Quarterly, 60:275-280 (Summer 1983).

[20] Busterna, op. cit.

[21] John C. Busterna, "How Managerial Ownership Affects Profit Maximization in Newspaper Firms," Journalism Quarterly, 66:302-307, 358 (Summer 1989).

[22] David P. Demers and Daniel B. Wackman, "Effect of Chain Ownership on Newspaper Management Goals, Newspaper Research Journal, 9:59-68 (Winter 1988).

[23] Stephen Lacy, "Effect of Intermedia Competition on Daily Newspaper Content," Journalism Quarterly, 65:95-99 (Spring 1988).

Newspaper Identification of Crime Victims:

Editors Change Address Policies

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Editors Change Address Policies

By Tommy Thomason and Paul LaRocque

In September 1987, two armed robbers entered a supermarket in a Midwestern city, brutally killed five employees and left two others for dead. The following day, that city's newspaper, one of the nation's most respected dailies, published the addresses of the victims. For three consecutive days, continuing coverage of the crime featured the exact time, place, and date of the victims' funerals. Victim advocates were incensed, and said that the addresses were not essential to news coverage and needlessly subjected the families of the victims to invasions of their privacy and even possible physical danger from the robbers, who were still at large (St. Louis Post-Dispatch, September 6, 1987:1).

In the century and a half that crime news has played an important part in American news coverage, newspapers have usually considered the address of a crime victim an integral part of the story. Beginning with crime stories in the Penny Press papers, the address of the victim has been a crucial element of the "who," an identifier that set the victim apart from others who might share that same name (Mott, 1942: 222-224).

Only during the last decade have editors begun to question the necessity to always publish a victim's address. A number of factors may have motivated the re-examination of the standard policy of routinely printing victims' addresses: the 1988 report of the President's Task Force on Victims of Crime (The Task Force, 1982: 19); the increasing activism of victim advocacy groups (Seymour, 1987: 31); credibility studies that showed readers sometimes thought the press took advantage of ordinary people who were victimized (American Society of Newspaper Editors, 1985: 16); and a greater concern on the part of professional organizations, educators, and ethicists about the ethics of crime coverage (Associated Press Managing Editors, 1983: 6).

The question of whether the increasing attention to coverage of crime victims has actually resulted in more sensitive coverage is open to debate. However, on one of the issues about which victims have been most vocal--the use of addresses--there has been a definite trend away from the automatic publication of specific addresses.

This trend was documented in a 1985 study by the authors (Wolf, et al., 1987: 503-507). That study found that more newspapers were evaluating their identifications on a case-by-case basis, presumably because editors were more sensitive to the needs of certain victims whose identification in the newspaper might place them in danger or present other special problems. It also found that editors were willing to listen to the pleas of victims to withhold addresses, even when their first inclination was to print the address. One hypothetical case presented by the 1985 study was compared with a similar hypothetical in studies conducted in the Associated Press Managing Editors in 1976 (APME, 1976) and 1983 (APME, 1983). In those case studies, a store clerk was robbed and the robbers were still at large when the newspaper went to press. The name and address of the clerk was part of the police records available to the newspaper. In 1976, 48.3 percent of the editors said they would identify the clerk by name and address. In 1983, the figure had dropped to 22.9 percent. By 1985, it had dropped to 9.1 percent.

The 1985 study (Wolf, et al., 1987) contained a review of the literature relating to the issue. No published studies since 1985 have dealt specifically with identification of crime victims.

Research Questions

The present study updates and expands the authors' 1985 study of newspapers' use of addresses of crime victims. In addition, the researchers wanted to compare the answers of the newspaper editors to those of victim advocates to see how journalists and crime victims might view the same issues and hypothetical situations. The study attempts to answer the following research questions.

1) What changes have taken place over the past three years in newspaper policy on identification of crime victims?

2) What changes have taken place over the past three years in editors' personal opinions regarding the trend toward the use of fewer names and addresses of victims, and the relationship of that change to the public's right to know?

3) How do the opinions of victim advocates on the issues relating to press identification of crime victims compare with the opinions of the editors?

Methodology

Questionnaires were mailed to 200 daily newspaper editors or managing editors selected from the Editor & Publisher International Year Book (Valez, 1988). Geographic balance was achieved by selecting newspapers from all 50 states and the District of Columbia. To obtain balance in size, newspapers were selected in each of four circulation groups: 1) 100,000 or more, 2) between 50,000 and 99,999, 3) between 25,000 and 49,999, and 4) under 25,000.

Categories were determined by circulation figures listed in the E&P directory. When a newspaper in each category could not be found in a state, a newspaper was selected from another state in the same general area to obtain almost equal numbers in each circulation category and maintain geographical balance.

Similar questionnaires were mailed to 200 victim-advocate groups selected from a list provided by the National Victim Center in Fort Worth, Texas. Victim groups were selected in each of the cities already identified by the selection of newspaper editors. If there were no victim advocacy groups in a city where an editor had been selected for inclusion in the study, a victim advocacy group in a nearby city of similar size was chosen. The questionnaires mailed to both groups were similar, to allow for comparisons of actual newspaper policies vs. the victims' perceptions of those policies and comparisons of how editors say they handle specific cases vs. how the victims think they should be handled.

The return rate for each questionnaire was 55 percent.

Results

Half of the editors surveyed (50.9 percent) said they handle identification of crime victims on a case-by-case basis, rather than automatically identifying by address. However, a larger percentage of the victim advocates (74.5 percent) said they believe their newspapers identify crime victims on a case-by-case basis. The percentage of editors who routinely publish both the name and address of crime victims dropped from 23.6 percent in 1985 to 10.9 percent in 1988. Most editors (63.6 percent) said they had changed their policy on identification of crime victims during the past few years.

Insert Table 1 About Here

Most of the editors who explained the change they had made said they were now identifying victims by block numbers instead of specific house addresses. Others said they published no addresses unless the crime occurred at the residence or the address was somehow important to the crime. The decision does present a dilemma for editors accustomed to presenting for the reader as much information as possible, as one editor explained:

> I don't know that the public needs a specific address for most crimes. On the other hand, an address which gives the reader a specific area where a crime has occurred or where a series of crimes has occurred is useful information for the reader.

The policy change on addresses most desired by victim advocates would have the newspaper consult the family of crime victims before using names (58.2 percent). Another 27.3 percent preferred that the newspaper never identify a crime victim.

The trend toward using fewer addresses was illustrated in the results of four hypothetical situations presented to editors and victim advocates. The hypotheticals asked for responses to stories involving a rape, a murder, a robbery, and an abduction.

In each hypothetical presented by the 1988 study, more editors were likely to withhold either a name or address (or both, in the case of rape) than in 1985. The most significant change in editor attitude occurred in the identification of a murder victim when a survivor asked that identification be withheld. In the 1985 survey of editors, 29.1 percent said they would withhold the address if asked, compared with 42.7 percent in the 1988 study.

Insert Table 2 About Here

One hypothetical allowed for comparison of editor responses to a similar situation over a 12-year period. In each case, store clerks were robbed and the robbers were still at large when the newspaper went to press. Names and addresses of the clerks were part of the police records available to the press. In 1976, 48.3 percent of the editors would publish the name and address of the clerk. That figure had dropped to 22.9 percent by 1983, to 9.1 percent by 1985, and finally to 4.5 percent in the 1988 survey. Editors in the 1988 survey said they would either identify her only as a clerk (40.9 percent) or publish only her name (58.2 percent).

Insert Table 3 About Here

Victim advocates generally said they believe editors were printing fewer names and addresses than were actually being printed. Asked to evaluate hypotheticals involving murder, robbery, and abduction, in each case victim advocates credited editors with using more discretion than editors said they actually exercised in printing the names, addresses, or both. However, in the rape case, victim responses were more critical of newspapers, with 73.6 percent of the victims and 95.5 percent of the editors saying the newspaper would withhold both the name and address of a rape victim.

Insert Table 4 About Here

Circulation size and type of newspaper (metropolitan, suburban, rural) were shown to have no significant impact on victim identification policy or practice of the newspapers.

Both editors and victim advocates agreed that increased attention to the privacy rights of victims is a good thing, and that newspapers should have more respect for the privacy rights of crime victims. More victim advocates (99.1 percent) agreed with that statement than editors, however (86.4 percent).

The two groups disagreed more on the question of whether the trend toward publishing fewer names or addresses of crime victims interferes with the public's right to know. While 40 percent of the editors agreed that it does interfere, only 6.3 percent of the victim advocates agreed.

Insert Table 5 About Here

One suburban editor said journalists must look beyond the right-to-know issue to the human problems of crime victims:

> Editors who take a tough right-to-publish stand are not in the real world, nor have they been victims of crime. However, usually some careful probing will tell an experienced editor whether it is OK to use names and addresses of crime victims. Go with the gut feelings and think about the victim as a member of your family.

About half of both groups (53.6 percent of the victim advocates and 50 percent of the editors) agreed that unless the press shows more discretion in the publication of victims' names and addresses, that the public will seek to limit what can be published regarding crime victims.

Although the survey confirmed the trend toward greater sensitivity to the privacy rights of victims, editors were less likely than the victim advocates to credit victim support groups with being influential on newspaper policy. More than three-fourths of the victim advocates said victim support groups have caused newspapers to be more sympathetic in handling information about crime victims. One victim advocate said the local newspaper in her town "pays attention to victims' rights because of our pressure."

However, less than one-fourth of the editors said victim groups had influenced policy at their newspaper. Even fewer editors said attention focused on the issue by the Associated Press Managing Editors organization had influenced their paper's attitude.

Editors were almost evenly divided on whether newspapers should contact crime victims and ask their opinions about crime story coverage. However, when asked as part of the four hypotheticals if they were willing to leave out a name or address if asked by a victim or the family of a victim, a majority of the editors in three of the four cases said they were willing to leave the name out under those circumstances. In the murder case, 42.7 percent said they would not publish the address if requested.

Despite the criticism often leveled at newspapers by crime victims, only 38.2 percent of the victim advocates said newspaper editors pay little attention to the rights of victims. Several victim advocates who said their local newspaper was insensitive toward crime victims attributed it to the paper's political agenda. One commented:

> It (the newspaper), in my opinion, is biased in its coverage of crime issues. It is always eager to give the criminals and their concerns sympathetic accounts. It (the paper) is a very liberal paper that often portrays the criminals as society's victims.

Others noted that their greatest concerns were with the electronic media in their region, not newspapers. A victim advocate in North Carolina wrote:

> Our police and court reporters regularly contact me and I feel they are interested in not re-victimizing the victim. I cannot say the same for our television media.

None of the three opinion questions dealing with the increased attention to privacy rights of victims, the possible harm to the public's right to know, and the possibility of the public's seeking to limit what can be printed about crime victims produced significant differences in editor responses from 1985 to 1988.

Summary

This study found that editors are giving more thought to how their newspapers identify crime victims, resulting in a continuation of the trend to print fewer names and addresses. Victim advocates think they deserve much of the credit for this greater awareness of the privacy of crime victims, but editors are not willing to credit victim groups for changes in identification policy.

The survey of editors showed that fewer newspapers are identifying crime victims by name and address and more are saying they evaluate decisions on how to identify a crime victim on a case-by-case basis rather than having a blanket policy of identifying everyone involved by name and exact street address.

A comparison survey of victim advocates found that while victims and editors differed sharply on questions dealing with the principle of the right to know vs. the right to privacy, the victims tended to give editors more credit than they actually deserved for being willing to withhold names and addresses. Each group was given four hypothetical cases involving a rape, a murder, a robbery, and an abduction. Editors were asked how they would handle the identifications; victim advocates were asked how they thought their local newspapers would handle the identifications. In every hypothetical but the rape case, victim advocates said they thought their local newspaper would actually behave more favorably to the crime victim than editors said they would be.

Sixty percent of the editors said victim-support groups had not been influential in causing policy change on identification of crime victims. However, 83.6 percent of the victim advocates said their group had caused newspaper editors to be more sympathetic in handling identifications. Nearly half the editors (49.1 percent) also discounted the influence of the Associated Press Managing Editors group on changing identification policies.

The strongest hint of motivation in changing victim identification policies came from a question dealing with the possible restriction of access to crime information. Fifty percent of editors and 53.6 percent of victims agreed that unless the press showed more discretion in dealing with sensitive information involving crime victims, the public would seek limits on access to such data.

However, editors and victim advocates differed markedly on whether the trend toward publshing fewer names interferes with the public's right to know. Forty percent of the editors said that it does; only 6.3 percent of the victims agreed.

The survey shows that the practice of identifying crime victims by name and address is continuing to change. Private-citizen victims are less likely to see their names and addresses in print. And even when the newspaper is first inclined to print the name and address, editors are more likely to drop the identification if asked by police or the victims themselves.

Victim advocates have little concern for the greater issue of the public's right to know as it may be affected by newspaper policy on victim identification. But despite their disagreement with editors on this issue, they still credit newspapers with being more willing than editors actually are to withhold victim names and addresses in some crimes. Responses of many of the victim advocates indicate an ongoing dialogue with local editors over the victims' concerns.

TABLE 1

How Editors Identify Crime Victims:

Comparison of 1985 and 1988 Survey Responses

	Percentages	
Responses	**1985**	**1988**
Name and Address	23.6	10.9
Name Only	5.5	17.3
Case by Case	46.4	50.9
Other	24.5	20.9
Total	100.0	100.0

N = 110
Chi Square 7.82
Degrees of Freedom 3

$p < .10$

TABLE 2

How Newspapers Identify Murder Victims If Requested That Address Be Withheld:

Comparison of 1985 and 1988 Survey Responses

	Percentages	
Response	1985	1988
Publish the Address	55.5	47.3
Withhold the Address	29.1	42.7
No Answer	4.5	10.0
Other	10.9	0.0
Total	100.0	100.0

N = 110
Chi Square 15.34
Degrees of Freedom 2

$p < .001$

TABLE 3

How Newspapers Identify Robbery Victims:

Comparison of 1976, 1983, 1985, and 1988 Survey Data

	Percentages			
Responses	1976	1983	1985	1988*
Publish Name and Address	48.3	22.9	9.1	4.5
Publish Name Only	36.7	64.7	47.3	58.2
Identify Only as a Clerk	11.7	12.4	40.0	40.9
No Response	3.3	0.0	3.6	0.0
	N = 60	N = 105	N = 110	N = 110

* Five editors marked more than one response.

Chi Square 1976 vs. 1988: 57.37
Degrees of Freedom 2
$p < .001$

TABLE 4

How Editors Identify Rape Victims
And How Victim Support Groups Perceive Editor Policy

	Percentages	
Responses	**Editors**	**Victim Advocates**
Name and Address	1.8	10.9
Name Only	1.8	7.3
Neither	95.5	73.6
No Answer	0.9	8.2

Chi Square	20.2396
Degrees of Freedom	3

$p < .001$

TABLE 5

Comparison of Editor and Victim Advocate Opinions On Privacy and the Right to Know

	Percentages	
Statement	Editors Who Agreed	Victim Advocates Who Agreed
Increased attention to the privacy rights of crime victims is a good thing.	86.4	99.1
The trend toward publishing fewer names and addresses of crime victims interferes with the public's right to know.	40.0	6.3
	N = 110	N = 110

Chi Square 27.02
Degrees of Freedom 1.0

$p < .001$

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The Effect of Chain Ownership on Editorial Independence: A Case Study

by

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For the last few decades, the rapid rise of newspaper chains in the United States has been the subject of extensive criticism by media observers. A major point of criticism in this context has been the threat posed by such concentration to the basic premises of freedom of information and plurality of voices in a democratic society. As expressed by press critic, Ben Bagdikian,

> True freedom of information requires three conditions: the opportunity to read and watch anything available; a diversity of sources from which to choose; and media systems that provide access for those who wish to reach their fellow citizens. In democratic countries the first condition is generally met. But the media titans are reducing the scope of the other two everywhere as they take over more and more once-independent companies.[1]

Conceptually, the criticism directed at these newspaper chains and media conglomerates takes as its premise the operation of a central mechanism of editorial control within each conglomerate, impinging upon news and editorial content. It rests on the assumption that as each media outlet is acquired by a conglomerate, it begins automatically to take on the voice of its new owner.

Despite the extensive polemic debate surrounding the issue of media concentration, relatively few studies in the past have examined the effect of chain ownership on editorial independence. Whether a central mechanism of control does in fact operate within chain owned newspapers, therefore, remains an open empirical question.

Before an answer to this question can be attempted, however, it is important to make a distinction among four types of editorial control, potential, actual, direct, and indirect.

Obviously, at the "potential" level, control by the ultimate owner of a newspaper chain cannot be ruled out. By its nature, ownership implies potential, if not actual, control. This is the reason why a major study of chain owned newspapers in Canada, for example, while not finding any uniformity in news themes among the papers studied, still concluded:

> That the overconcentration of power in any sector of society is cause for concern is a well-worn maxim for those who value democratic norms. At present, there is no way of ensuring that those who own large segments of the Canadian newspaper industry will not use that power to mold Canadian opinion to their own advantage.[2]

Given the ever-present potential for control implied by the fact of ownership, empirical demonstrations of the absence of editorial interference at a particular point in time are unlikely to fully alleviate the concern regarding future control. For the majority of the critics, the anecdotal instances in which such potential for control has actually materialized provide ample evidence of the dangers of concentrated ownership.

In an effort to respond to this criticism and concern, large chains, among them Gannett and Knight-Ridder in the United States, have taken every opportunity to reaffirm their policy of non-interference and their commitment to maintaining the diversity and autonomy of their affiliated newspapers. Gannett's current (1988)

Annual Report, one of Gannett's many public relations and promotional materials, for example, displays the following statement on its cover page: "Diversity is strength. By encouraging and expecting a mix of opinions, backgrounds, sexes, races, and ideas Gannett improves results." A similar tone characterizes Knight-Ridder ads and promotional material. Consider this attempt to alleviate fears of control by figuratively disputing the fact of ownership: "We bought them. But we don't own them."[3]

Such affirmations of a conscious commitment to diversity and editorial independence, however, can at best alleviate the concern associated with the routine exercise of direct control on news and editorial content. They do not, however, rule out the possibility, either of potential control in case of a change in company policy, or of an indirect effect on editorial independence. That is, even in the absence of an intended direct control, chain ownership may set into motion a number of other mechanisms that could, either individually or collectively, lead to homogeneity in news and editorial content.

To the extent that they do exist, past studies on the effects of chain ownership on editorial autonomy have produced little in the way of concrete or consistent results. Even less is known as to the process through which such control (if any) is exercised.

Aside from the Canadian study already cited, throughout the last three decades only four studies have directly addressed the standardizing influence of chain ownership on news and editorial content. Of the two studies focusing specifically on news, one found no duplication of content between two Louisiana chain owned newspapers,[4] while another, more recent case study found extensive uniformity in the "news play" given to the Gary Hart story within the Knight-Ridder group of newspapers.[5] The other two studies, focusing specifically on editorial autonomy as reflected in political endorsements, found homogeneous endorsement patterns in a vast majority of the chains studied.[6]

If a mechanism of control does in fact operate within newspaper chains to produce uniformities in news play and political endorsements, that mechanism of control may also be expected to lead to uniformity in the editorial positions taken by chain owned newspapers on major national issues.[7] Obviously, any such tendency on the part of large newspaper chains to orchestrate editorial opinion in support of or opposition to specific national issues would seem to represent the most serious threat posed by chain ownership to freedom of information in a democratic society.

Against this backdrop, this study seeks to address the effect of chain ownership on editorial independence by examining the level of variation in the editorial positions taken by the Gannett chain of newspapers last year (1989) on a number of controversial political issues. A nation-wide sample of non-Gannett papers provides the basis for comparison.

The selection of Gannett as the focus for the case study was based on two reasons. First, with a total circulation of close to six million (5,887,787)[8] Gannett represents, by far, the largest and potentially most powerful media conglomerate in the United States. Second, in addition to being the largest, Gannett has been the nation's most vocal chain in proclaiming its commitment to editorial autonomy for its group-owned newspapers. Both of these characteristics make Gannett the most appropriate candidate for a study of indirect effects of chain ownership on editorial content.

Despite the lack of a well-developed and empirically verified theory on the subject, based on the findings of the two previous studies conducted to date on the homogenizing effect of chain ownership on editorial page endorsements it was hypothesized in this study that

H: As compared with a nationwide sample of non-Gannett newspapers, the Gannett papers will tend to reflect a high level of uniformity in editorial positions taken on major national issues.

Sampling

The Gannett sample included all Gannett daily papers in the U.S. for which addresses were available (N=78). The latest list, as of 10/6/89 obtained from Gannett itself, listed a total of 80 daily newspapers in the United States[9].

For the purposes of comparison, a nationwide non-Gannett sampling frame was developed using the 1989 Editor and Publisher International Yearbook and the 1989 Gale Directory of Publications. The non-Gannett sampling frame represented one newspaper from every U.S. town of 20,000 or more population. Whenever there was more than one daily in the same town, one of them was drawn randomly to be included in the sampling frame. A random sample of 300 non-Gannett newspapers was then drawn from this sampling frame to provide the point of comparison for the study.

Procedure

In order to address the question of uniformity of editorial positions within the Gannett chain of newspapers, it was first necessary to identify a set of controversial national issues prominent enough to have been carried by the variety of newspaper types (i.e., small town, regional, and national) represented within the Gannett chain. A preliminary examination of editorials carried in 1989 by a number of small town, regional, and national newspapers identified several issues of this type. The final decision as to which issues to include in the study was made on the basis of the level of controversy associated with the issue and the extent to which it lent itself to taking a clear-cut opposed vs. supportive editorial position.[10] Among the several controversial issues identified,[11] three seemed to meet both of these requirements. These were:

1- The nomination of Senator John Tower for the position of Secretary of Defence by President Bush,

2- The Supreme Court Affirmative Action decision, known as the Richmond Set-Aside case, in which the court removed the requirement to set aside 30% public works contracts for minorities, and

3- The Supreme Court Webster decision giving the jurisdiction on abortion to individual states.

A mail questionnaire was then designed and sent to the editors of the Gannett and non-Gannett newspapers in our sample, asking them to indicate the editorial position taken by their newspaper on each of the three issues under study.[12] The choices included with each item were

a) Did not carry an editorial on this issue.
b) Supported the nomination (or decision).
c) Opposed the nomination (or decision).
d) Other (please explain):

A total of 56 Gannett and 155 non-Gannett newspapers responded to the survey. These figures reflect a 72% response rate for the Gannett and a 52% response rate for the non-Gannett newspapers. [13]

Results

Because the survey contained an "other" option, responses falling under that category needed to be properly classified before proceeding with the data analysis.[14] An examination of the explanations provided by the editors for the "other" category revealed the following pattern. In the case of the Tower nomination, the "other" category responses were either critical of Tower without making an overt statement regarding whether he should be confirmed (e.g., "Tower should withdraw"), or commented on the process without taking a position (e.g., "decision showed that congress does have a role to play in appointments"). In the case of the Richmond Set-aside case, only one editorial fell under the "other" category and was non-committal. In the case of the Webster decision, again the "other" category responses were either highly critical of the decision (e.g., "Webster weaves a crazy quilt"), or took the explanatory approach to editorial writing, explaining the decision and how it might impact the relevant laws within the state in which the newspaper was published (e.g.,"the decision...is not likely to alter state laws"). None of the responses in the "other" category reflected a supportive position.

After determining the pattern of responses in the "other" category, the editorial positions taken by the Gannett and non-Gannett papers were analyzed in two ways. At one level of analysis, in the Tower nomination and Webster decision cases the "critical" category was collapsed with the "opposed" to create a new "opposed/critical" category. The few responses falling under the "other" category which did not reflect a specific editorial position were excluded from the editorial position analysis. At another level of analysis, only the original "opposed" and "supported" positions were analyzed and all other responses falling under the "other" category were excluded from the analysis.[15]

The comparison of the editorial positions taken by the Gannett papers with those taken by the non-Gannett papers showed a high level of homogeneity within the chain and significant differences between the Gannett and non-Gannett papers.

First, the Gannett papers were significantly more likely to carry editorials on each of the three issues than the non-Gannett papers. (Tables 1,2, and 3).

Second, the Gannett papers appeared almost unanimous in their opposition to or criticism of the Tower nomination (87.8%) , the Richmond Set-aside decision (82.8 %), and the Webster decision (92.1%). These figures stand in significant contrast to 67.6 % opposition to/criticism of the Tower nomination, 51.7% opposition to the Richmond-Set aside decision, and 74.4 % opposition to/criticism of the Webster decision among the non-Gannett papers. (Tables 4, 5, and 6).

Third, as also may be inferred from above, the Gannett papers showed a consistent pattern of opposition in all three issues, while the non-Gannett papers were far less consistent. (The mean conformity to the Gannett pattern was 1.8 for the Gannett papers and 1.0 for all non-Gannett papers. The difference is significant at the .0001 level). While opposition to the Tower nomination may be interpreted as conforming to a Democratic party line, opposition to restrictions on Affirmative Action and abortion clearly reflects a liberal stance. Thus, the opposition pattern on the part of the Gannett papers, when interpreted ideologically, reflects a liberal-democratic stance on all three issues. At one level, therefore, the strong homogeneity of opinion reflected in the Gannett papers may be considered to arise from a shared political/ ideological view point.[16]

Discussion

These statistically significant results strongly suggest that a homogenizing effect on editorial position and policy does result from chain ownership. The outstanding question, however, concerns the process through which such uniformity is brought about.

Previous studies of the homogenizing effects of chain ownership have speculated about a number of factors that may be responsible for the uniformities found in news and editorial content of chain owned papers even in the absence of direct controls. Among the possible sources of uniformity suggested by previous research are hiring practices, i.e., the tendency to hire "like-minded" editors who then go on to make similar editorial decisions;[17] management procedures, ranging from Management by Objective (MBO) techniques[18] to the use of computerized information systems; peer pressure, ranging from socialization in the newsroom to the "arterial effect" discussed by Breed;[19] and similarity in news sources, such as that resulting from subscription to the group-owned wire service.[20]

Whatever its nature, it is clear from this analysis that a homogenizing mechanism does operate within the chain-owned papers examined in this study, producing a high level of uniformity in their editorial positions on controversial political issues. Other studies, focusing on a different set of issues and other newspaper chains, however, are needed before such a homogenizing effect can be generalized across all newspaper chains. In addition, future research needs to focus on illuminating the specific mechanisms of indirect control which work to bring about uniformity in editorial posture within chains, despite efforts on the part of their owners to preserve local editorial autonomy.

Table 1

Percentage of papers carrying editorials on Tower nomination by type of ownership

	Gannett	Non-Gannett
Editorials	91.1% (51)	68.4% (106)
No editorials	8.9% (5)	31.6% (49)
	N=56	N=155

$X^2 = 11.11$; df = 1; $p < 0.001$

Table 2

Percentage of papers carrying editorials on Richmond-Set-aside by type of ownership

	Gannett	Non-Gannett
Editorials	53.6% (30)	37.8% (60)
No editorials	46.4% (26)	61.3% (95)
	N=56	N=155

$X^2 = 3.71$; df = 1; $p < 0.1$

Table 3

Percentage of papers carrying editorials on the Webster decision by type of ownership

	Gannett	Non-Gannett
Editorials	73.2% (41)	58.1% (90)
No editorials	26.8% (15)	41.9% (65)
	N=56	N=155

$X^2 = 4.01$; df = 1; $p < 0.05$

Table 4

Position on Tower nomination by type of ownership

	Gannett	Non-Gannett
Supportive	12.2% (6)	32.4% (34)
Opposed/Critical	87.8% (43)	67.6% (71)
	N=49	N=105

$X^2 = 7.0$; df=1; $p < 0.01$

Note: The "Critical" category comprised 4% of the responses (i.e., 2 out of the 49) for Gannett and 2.8% of the responses (i.e., 3 out of 105) for the non-Gannett papers. The difference between the two groups of papers is significant at the .01 level whether the "Critical" responses are collapsed with the "Opposed" or not (X^2=6.93).

Table 5

Position on Richmond-Set-aside
by type of ownership

	Gannett	Non-Gannett
Supportive	17.2% (5)	48.3% (29)
Opposed	82.8% (24)	51.7% (31)
	N=29	N=60

$X^2 = 8.0$; df=1; $p < 0.01$

Table 6

Position on the Webster decision
by type of ownership

	Gannett	Non-Gannett
Supportive	7.9% (3)	25.6% (20)
Opposed/Critical	92.1% (35)	74.4% (58)
	N=38	N=78

$X^2 = 5.0$; df=1; $p < 0.05$

Note: The "Critical" category comprised 26.4% of the responses (i.e.,10 out of the 38) in the case of Gannett, and 7.7% of the responses (i.e., 6 out of the 78) in the case of the non-Gannett papers. The difference between the two papers on the "Opposed" position alone (without collapsing it with the "Critical" category) is significant only at the .068 level (X^2=3.31).

Notes

1- Ben Bagdikian, "The Lords of the Global Village," The Nation, June 12, 1989, p. 812.

2- Ronald Wagenberg and Walter Soderlund, "The Influence of Chain-Ownership on Editorial Comment in Canada," Journalism Quarterly, 52: 93-98 (Spring 1975)

3- Columbia Journalism Review, March/April 1987, p. 17.

4- Ronald Hicks and James Featherstone, "Duplication of Newspaper Content in Contrasting Ownership Situations," Journalism Quarterly, 55: 549-553 (Autumn 1978)

5- Theodore Glasser, David Allen, and Elizabeth Blanks, "The Influence of Chain Ownership on News Play: A Case Study," Journalism Quarterly, 66: 607-614 (Autumn 1989)

6- Daniel Wackman, Donald Gillmor, Cecilie Gaziano and Everette Dennis, "Chain Newspaper Autonomy as Reflected in Presidential Campaign Endorsements," Journalism Quarterly, 52: 411-419 (Autumn 1975)

Also see Cecilie Ganziano, "Chain Newspaper Homogeneity and Presidential Endorsements, 1971-1988," Journalism Quarterly, 66: 836-45, (Winter1989). This recent 1989 replication of the earlier Wackman et. al. study by Ganziano found a relative decrease in the overall level of homogeneity in endorsements.

7- See Ben Bagdikian, "The American Newspaper is Neither Telegram, Examiner, Observer, Monitor, Mirror, Ledger, Bulletin, Register, Chronicle, Gazette, Nor Herald of the Day's Events," Esquire, March 1967, pp. 134-8.

8- John Busterna, "Trends in Daily Newspaper Ownership," Journalism Quarterly, 64: 831-38 (Winter 1988)

9- Although Gannett owns papers in Guam and Virgin Islands, these were excluded from the sample.

10- Thus, an issue such as the Soviet withdrawal from Afghanistan, although widely editorialized on in 1989, did not qualify because almost all U.S. newspapers would be likely to support it. Similarly, an issue such as the Jim Wright ethics investigation did not qualify because it appeared to be too multi-faceted to lend itself to a clear-cut support/opposed position.

11- Aside from the Jim Wright ethics investigation and the Soviet withdrawal from Afghanistan, these included the Congressional pay raise and the Savings and Loan bail out.

12- Initially, we intended to conduct a content analysis to determine each newspaper's position on the above issues. After some deliberation, however, we decided that a survey of the pertinent editors would better serve the purposes of our study for two reasons. First, given the inaccessability through the library system of the majority of the 378 papers we intended to study , clippings would need to be requested from the newspapers. This we predicted, would greatly reduce our response rate. Second, we felt that even after obtaining the editorials, our judgement as to whether an editorial reflected a position of support or opposition on an issue would not necessarily be more valid than the self-report by the editor who wrote it.

13- An examination of the responses in the second wave showed that the majority were the ones which had not carried any editorials on any of the three issues and were therefore less likely to return the survey the first time. This indicates the possibility that the non-response after the second wave was largely reflective of papers which had not carried any editorials on any of the three issues.

14- Out of the 43 responses given by the editors under the "other" category, 4 were judged to reflect a decisively opposed or supportive position. These were, from the outset, classified under the appropriate "opposed" or "supported" categories.

15- These comprised 1.4% of the total responses in the case of the Tower nomination, .5% in the case of the Richmond-Set Aside case, and 7% in the case of the Webster decision.

16- Although far less liberal than the Gannett papers on the three issues under study, the nationwide sample of non-Gannett papers still reflect a slight tilt in the liberal direction.

17- Wackman et. al., op. cit. p. 419. Also see Theodor Glasser et. al., op. cit., p. 613. Also see Ben Bagdikian, Media Monopoly, (Boston, Beacon Press, 1983) p. 21.

18- John Soloski, "Economics and Management: The Real Influence of Newspaper Groups," Newspaper Research Journal, November 1979, pp.19-27.

Also see Dean Flatt, "Managerial Incentives: Effects at a Chain owned Daily," Newspaper Research Journal, Fall 1980, pp. 48-55.

19- Warren Breed, "Newspaper Opinion Leaders and Process of Standardization," Journalism Quarterly, 32: 277-284 (Summer 1955).

20- John Soloski, op. cit. Also see Theodore Glasser et. al. op.cit.

THE NEWSPAPER PRESERVATION ACT TODAY:
AN INEFFECTIVE NOSTRUM FOR A MINOR MALADY

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THE NEWSPAPER PRESERVATION ACT TODAY:
AN INEFFECTIVE NOSTRUM FOR A MINOR MALADY

I. Introduction and Background[1]

A. Overview

This paper will focus on evidence that the Newspaper Preservation Act (NPA) of 1970,[2] enacted to rescue existing joint operating agreements (JOAs) declared illegal by a Supreme Court decision,[3] is obsolete. Because the Act granted a broad exemption from federal antitrust laws for newspapers with JOAs, it was at least temporarily successful in its initial rescue efforts. But it was ill-conceived as a device to "preserve" editorial competition because Congress intended that the exemption apply only to newspapers in daily competitive markets. In 1968, those markets represented only about 4.5 percent of American daily newspaper cities (in 1989, that figure was reduced to only 2.7 percent).[4]

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[1] This paper discusses the status of certain JOA-related events as they were known in early July 1990. The author will present any updated information at the AEJMC Convention in August 1990.

[2] The Newspaper Preservation Act, 15 USCA Sections 1801-1804 (1970).

[3] Citizens Publishing Company v. United States, 394 US 131, 22 L Ed 2d 148, 89 S Ct 927 (1969) [hereinafter Citizens].

[4] Only newspapers that compete fully in the same market can use the NPA, and one of the papers must prove that it is in danger of financial failure. In 1968, of the approximately 1,500 American cities with daily newspapers, there were only 68 cities with editorially competitive English-language daily newspapers (including those with joint operating agreements). Today, the number of daily newspaper cities is about the same, but there are only 41 competitive cities: ALABAMA: Birmingham; ALASKA: Anchorage; ARIZONA: Tucson; ARKANSAS: Little Rock; CALIFORNIA: Los Angeles, Sacramento, San Diego, San Francisco; COLORADO: Denver; CONNECTICUT: Manchester; DISTRICT OF COLUMBIA: Washington; HAWAII: Honolulu; ILLINOIS: Chicago; INDIANA: Evansville, Fort Wayne; LOUISIANA: Shreveport; MASSACHUSETTS: Boston; MICHIGAN: Detroit; MISSOURI: Columbia; NEVADA: Las Vegas; NEW JERSEY: Trenton; NEW MEXICO: Albuquerque; NEW YORK: New York; OHIO: Cincinnati; OKLAHOMA: Tulsa; PENNSYLVANIA: Pittsburgh, Scranton, Wilkes-Barre, York; TENNESSEE: Chattanooga, Kingsport, Knoxville, Nashville; TEXAS: Dallas, El Paso, Houston, San Antonio; UTAH: Salt Lake City; WASHINGTON: Seattle; WEST VIRGINIA: Charleston; WISCONSIN: Green Bay. Editor & Publisher International Year Book 1989 (New York: The Editor & Publisher Company, 1989); '90 Facts About Newspapers (Washington, DC: American Newspaper Publishers Association, April 1990).

In so doing, the law did not consider the broad range of competing editorial voices available in other kinds of print media and in broadcasting. But most importantly, even for those newspapers that qualify, the NPA does not work well because its basic tenets are so nebulous that it is difficult at best to conclude that the Act is actually capable of promoting editorial competition.

Consequently, this paper will argue that the NPA should be amended to limit existing JOAs to the terms of their present contracts, and to prevent the approval of additional JOAs.

B. History of the NPA

The Newspaper Preservation Act is essentially economic legislation, enacted to exempt certain "failing newspapers" from the existing provisions of the Sherman Antitrust Act[5] and the Clayton Act,[6] in order that they might continue to be "editorially and reportorially independent and competitive in all parts of the United States."[7] The NPA was specifically targeted to reverse a U.S. Supreme Court decision that had declared illegal a joint operating agreement between two Arizona newspapers.[8] Nineteen existing JOAs were "grandfathered" by the law,[9] the economic supposition of which is that, without special market intervention, declining newspapers which are in direct competition with more successful ones in their market will go out of business. The logic, and indeed, the first few JOA newspapers, grew out of the Depression years[10] and were "justified" under the legal precedent set by the "failing company doctrine."[11] The NPA, however, provides a less rigorous standard by which a newspaper can claim to be "failing,"[12] and promotes only a partial merger of operations.[13] Additionally, the NPA provides standards for approving new JOAs; the major issue in this regard is the determination of what is a "failing" newspaper.

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[5] Specifically, the per se restraint of trade violations of price fixing, profit pooling, and market allocation. 15 USCA Sections 1-3.

[6] Specifically, mergers that tend to create a monopoly. 15 USCA Sections 13, 14, 18.

[7] Congressional declaration of policy. Newspaper Preservation Act, Section 1801.

[8] The Tucson Daily Citizen, owned by The Citizen Publishing Company, and The Arizona Daily Star, owned by The Star Publishing Company. Both owners were independant publishers. Citizens, supra.

[9] Twenty-two alleged joint operating agreements were presented to Congress as qualifying for inclusion under the NPA. In chronological order, these were: Albuquerque, NM (1933); El Paso, TX (1936); Nashville, TN (1937); Evansville, IN (1938); Tucson, AZ (1940); Tulsa, OK (1941); Madison, WI (1948); Fort Wayne, IN (1950); Bristol, TN-VA (1950); Birmingham, AL (1950); Lincoln, NB (1950); Salt Lake City, UT (1952); Shreveport, LA (1953); Franklin-Oil City, PA (1956); Knoxville, TN (1957); Charleston, WV (1958); Columbus, OH (1959); St.

(Footnote Continued)

(Footnote Continued)
Louis, MO (1959); Pittsburgh, PA (1961); Honolulu, HI (1962); San Francisco, CA (1965); Miami, FL (1966). H.R. Rep. No. 91-1193, 91st Cong., 1st Sess., reprinted in 2 U.S. Cong. & Admin. News '70 — 88, 3547. However, three of these were dropped from the original list when it was determined they were erroneously identified as JOA papers (Lincoln, NB; Madison, WI, Bristol, VA-TN). Of the remaining 19, only 15 still exist. The financially failing newspapers in three of the original 19 cities have since gone out of business (Miami, FL; St. Louis, MO; Columbus, OH). And the Franklin-Oil City, PA JOA newspapers merged into a single newspaper. Mary A. Anderson, "JOA Law May be at a Turning Point," presstime: 6-9 (October 1989).

[10] H.R. Rep. No. 91-1193, supra at 3548.

[11] International Shoe Co. v. FTC, 280 US 291, 74 L Ed 431, 50 S Ct 89 (1929), in which it was determined that the acquisition of a company by a direct competitor doesn't illegally lessen competition if the firm which has been purchased is in grave danger of business failure.

[12] "The term 'failing newspaper' means a newspaper publication which, regardless of its ownership or affiliations, is in probable danger of financial failure." Newspaper Preservation Act, Section 1802.

[13] From the Act, Id.:

> The term "joint operating agreement" means any contract, agreement, joint venture (whether or not incorporated), by other arrangement entered into by two or more newspaper owners for the publication of two or more newspaper publications, pursuant to which joint or common production facilities are established or operated and joint or unified action is taken or agreed to be taken with respect to any one or more of the following: printing; time, method, and field of publication; allocation of production facilities; distribution; advertising solicitation; circulation solicitation; business department; establishment of advertising rates; establishment of circulation rates and revenue distribution: Provided, That there is no merger, combination, or amalgamation of editorial or reportorial staffs, and that editorial policies be independently determined.

C. History of the Detroit Agreement

On November 27, 1989, the fifth new Joint Operating Agreement (JOA)[14] approved since the enactment of the Newspaper Preservation Act began in Detroit, combining the business operations of the *Detroit Free Press* and *The Detroit News*. The struggle to implement the Detroit JOA encompassed the longest and most complex series of events ever encountered in the history of the NPA, and ended rather ingloriously in a tie vote without comment or identification of the votes by the U.S. Supreme Court.[15] This ruling let stand an Appeals Court ruling upholding Attorney General Ed Meese's approval of the JOA.

The chronology of events in the Detroit JOA is a legal labyrinth. The newspapers applied for NPA approval on May 9, 1986, public hearings were held in Detroit in August 1987, and on December 29, 1987, Administrative Law Judge Morton Needleman recommended that the Detroit JOA *not* be approved. But on August 8, 1988, Attorney General Meese overruled Needleman.

On August 17, 1988, two days before the Detroit JOA was to be implemented, "Citizens for an Independent Press," a diverse group of opponents who claimed they weren't adequately represented in the public hearings, were granted an injunction against implementing the JOA until the U.S. District Court for the Eastern Division of Michigan could rule on the legality of the

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[14] The first, in Anchorage, AL operated from only 1974-1979, when the parties dissolved the JOA and returned to competitive newspaper production. The other three are still in effect: Cincinnati, OH (begun 1977); Chattanooga, TN (1980), a reinstatement of a JOA that ran from 1942-1966; and Seattle, WA (1982). Since the Detroit agreement was cleared for operation, two other JOAs have been approved by Attorney General Richard Thornburgh: York, PA (February 21, 1990) and Las Vegas, NV (June 1, 1990).

[15] *Michigan Citizens for an Independent Press v. Thornburgh*, 493 US __, 107 L Ed 2d 277, 110 S Ct 398 (1989) (affirmed by an equally divided court).

Attorney General's approval. That Court upheld the approval on September 14, 1988, but shortly thereafter, the opponents appealed the decision. On January 17, 1989, a three-judge panel of the U.S. Court of Appeals for the District of Columbia Circuit upheld the District Court decision by a 2-1 vote; shortly thereafter, the opponents requested a rehearing from the full Appeals Court -- it was denied on February 24, 1989. However, the Appeals Court did sustain the injunction against implementing the Detroit JOA until an appeal could be made to the U.S. Supreme Court.

On March 3, 1989, Chief Justice Rehnquist lifted the injunction, allowing the newspapers to begin the JOA while the Court decided if it would take the case. But the next day, the opponents invoked a seldom-used procedure of polling individual Supreme Court members to see if one would continue the injunction; Justice Brennan agreed to do so until the full Court could consider it. On March 20, 1989 the entire Supreme Court voted 7-2 without comment to lift the injunction. But two days later the Free Press and The News agreed to not implement the JOA until all appeals by the opponents had been exhausted.

The Supreme Court granted certiorari on May 9, 1989; oral arguments were held on October 30, 1989. On November 13, 1989, the Court announced a tie vote in the case (Justice Byron White had removed himself from the case for unspecified "personal reasons" before the Court granted certiorari). This meant that the Appeals Court ruling affirming the Detroit JOA prevailed.

Throughout the 43 months of struggle over whether the Detroit JOA should be implemented, proponents and opponents of the partial merger engaged in a war of words, the sound and fury of which, ultimately, amounted to very little.[16] The effect of the Supreme Court decision was only to uphold the judgment of the D.C. Circuit Court, but without explanation.[17] No definitive answers were given to the serious questions raised about the approval of the Detroit JOA,[18] but the events surrounding its implementation became the catalyst for scholarly and Congressional discontent with the NPA.

D. Effect of the Detroit JOA on Recent Congressional Action

The opponents of the Detroit JOA were a tenacious group who kept concerns about the Newspaper Preservation Act at the forefront of discussion by labor leaders, scholars, and legislators. These discussions ultimately led to formal congressional review of the Act, which prompted demands for its repeal or amendment.

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[16] The most bitter complaint was that hundreds of workers would lose their jobs because of the JOA. Because of the lengthy legal proceedings that delayed implementation of the JOA, many workers left for other positions, or retired, and were not replaced from outside the newspaper. Thus, by the time the JOA was implemented, though the combined workforce was reduced by 500 people, only about 30 were outright laid off.

[17] For an extensive legal analysis of the lower court ruling, see Eric J. Gastler, "Comments: Michigan Citizens for an Independent Press v. Attorney General: Subscribing to Newspaper Joint Operating Agreements of the Decline of Newspapers?" The American University Law Review 39:123-169 (1989).

[18] Attorney General Ed Meese's approval of the Detroit JOA completely overruled the objections of the Antitrust Division and the findings of Administrative Law Judge Morton Needleman. Needleman concluded:

> 1. The losses incurred by the Free Press and the News are attributable to their strategies of seeking market dominance and future profitability at any cost along with the expectation that failure to achieve these goals would result in favorable consideration of a JOA application.
> 2. The Free Press is not dominated by the News.
> 3. The Free Press is not in a downward spiral.
> 4. Applicants failed to prove that there exists in Detroit an irreversible market condition that will probably lead to domination and the downward spiral.
> 5. In the absence of proof that it is confronted with actual or probable domination and a downward spiral, the Free Press does not qualify as a failing newspaper under the Newspaper Preservation Act.

In the Matter of: Application by Detroit Free Press, Incorporated, and The Detroit News, Inc., for Approval of a Joint Newspaper Operating Arrangement Pursuant to the Newspaper Preservation Act, 15 USC Section 1801, et seq. Recommended Decision (Docket No. 44-03-24-8) at 128.

In early April 1989, while the Supreme Court was deliberating whether it would grant certiorari in the Detroit case, Rep. Jack Brooks (D-Texas), Chairman of the Economic and Commercial Law Subcommittee of the House Judiciary Committee, called for a comprehensive review of the Antitrust Division of the Justice Department, citing "serious management and operational problems" in the Department as a whole, and in particular, with antitrust enforcement policy -- "or lack of it."[19] One of the six witnesses argued for an investigation of the NPA, citing the Detroit JOA as the "most celebrated" embodiment of problems with the Act.[20]

Three months later, while the Detroit JOA was being considered by the Supreme Court, the Brooks Subcommittee held additional hearings exclusively on the NPA; the Chairman focused attention on the Detroit JOA as manifesting serious problems in the Act.[21] Eleven witnesses provided testimony; two of these were directly connected to the Detroit JOA and they called for repeal of the law, or at the very least, for strict limitations on its powers.[22] Another call for repeal came from a group of alternative newspapers,[23] and three labor unions proposed stringent amendments to curb abuses of the Act.[24] Unquestioned support for the Act came from the American Newspaper Publishers Association,[25] a media law attorney who represented numerous newspapers seeking a JOA,[26] and a newspaper financial analyst who studies JOAs as potential investment opportunities.[27] Finally, scholarly research citing the pros and cons of the NPA record was presented by media economists Stephen Lacy and Robert Picard.[28]

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[19] News Release, 'Brooks Asks GAO Study of Antitrust Division Operations,' 101st Congress, Congress of the United States, U.S. House of Representatives, Committee on the Judiciary, Washington, DC (April 12, 1989).

[20] The Detroit JOA was described as an 'invitation to profitable hari-kari,' and a dangerous precedent that others could follow in creating or simulating newspaper failure. Statement by David J. Eisen, Director, Research & Information, The Newspaper Guild (AFL-CIO, CLC) to the Subcommittee on Monopolies and Commercial Law, House Judiciary Committee (April 12, 1989).

[21] Opening Statement of Chairman Jack Brooks, Economic and Commercial Law Subcommittee, Oversight Hearing on the Operations of the Newspaper Preservation Act Exemption from the Antitrust Laws (July 20, 1989).

[22] The witnesses were W. Edward Wendover, Editor & Publisher, Community Crier, Plymouth-Canton Michigan Region, on behalf of Michigan Citizens for an Independent Press, and Lewis Wleczko, Journalist, The Detroit News, and another outspoken opponent of the Detroit JOA. A third person intimately involved with the Detroit JOA was asked to appear, but he did not. He is William D. McMaster, President of McMaster Communications, Inc. in Detroit, who made frequent assertions that he would like to buy the Detroit Free Press, but who was never able to come up with the necessary financial backing to make an offer.

The fact that Congressional hearings were held indicates strong interest by those who have the power to amend the NPA. No action beyond the 1989 hearings has yet been taken by the House

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[23] Led by one of the original and most vocal NPA opponents, this group repeated the argument that the law fostered monopolies at the expense of small newspapers. Prepared testimony of Bruce B. Brugmann, editor and publisher of the San Francisco Bay Guardian and president of the Association of Alternative Newsweeklies, before the U.S. House Subcommittee on Economic and Commercial Law (July 20, 1989).

[24] Statement of Thomas J. McGrath, Director, Newspaper Drivers Division, International Brotherhood of Teamsters, before the Subcommittee on Economics and Commercial Law, Committee on the Judiciary, U.S. House of Representatives (July 20, 1989); James J. Norton's Remarks, International President, Graphic Communications International Union (July 20, 1989); Statement of William J. Boarman, Vice President, Printing, Publishing and Media Workers Section of the Communications Workers of America (July 20, 1989).

[25] A longtime supporter of the NPA, the ANPA here made a stronger appeal for its application to small newspapers; it deftly avoided mentioning the Detroit JOA. Testimony of Jerry W. Friedheim, President, American Newspaper Publishers Association, before the Subcommittee on Economic and Commercial Law, Committee on the Judiciary, U.S. House of Representatives, on The Newspaper Preservation Act (July 20, 1989).

[26] He represented all but two of the newspapers involved in JOAs at the time of the Citizens case. Statement of Morris J. Levin of Washington, DC, before the Subcommittee on Economic and Commercial Law, House Committee on the Judiciary (July 20, 1989).

[27] Statement of John Morton [Newspaper analyst with Lynch Jones & Ryan] before the Economic and Commercial Law Subcommittee (July 20, 1989).

[28] Lacy concluded that: "At worst, the Newspaper Preservation Act is a failure on a national level at preserving competing voices. At best, it has kept a second voice alive in some markets." Stephen Lacy, Michigan State University, "Joint Operating Agreements 19 Years after the Newspaper Preservation Act," presented to the Judiciary Subcommittee on Economic and Commercial Law (July 20, 1989). Picard cited the Detroit case as one example of the need to alter the NPA; he believes that repeal would cause JOA-protected newspapers to fail, and he would amend the law to protect the investments of newspaper companies, and continue the benefits of having two newspapers in cities. Statement of Robert G. Picard, Ph.D., before the House Committee on the Judiciary, Subcommittee on Economic and Commercial Law (July 20, 1989).

Subcommittee but the issue has not died.[29] Nor have concerns about the NPA been drawn along partisan lines. Immediately following the July 1989 hearings, Rep. Carl Pursell (R-Michigan) publicly withdrew his support for the Detroit JOA and called for repeal of the NPA.[30] Soon thereafter, another Republican congressman, concerned about different aspects of antitrust law, investigated suggestions for amending the NPA.[31] Key staff members for both Republican congressmen expressed a strong willingness to work with the Democratically-controlled House Judiciary Subcommittee to formulate amendments to the NPA.[32] And, in early June 1990, Rep. Pursell made good his promise and

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[29] The delay in further action is due, in part, to the serious illness of Chairman Brooks last fall. The suggestions for amending the NPA have not been tabled, however, and House Subcommittee staffers who last year forecast that public hearings would be held may yet be able to validate those predictions. As of July 1990 there was no action proposed in the U.S. Senate [Telephone interviews with Kelly Signs, legislative counsel for the Senate Judiciary Committee Subcommittee on Antitrust and Monopoly (March 8, 1990; July 6, 1990)]. However, Senator Brock Adams (D-Washington) is expected to introduce a bill in 1990 to review existing JOAs and set more rigorous standards for new ones. Alex S. Jones, "Concern Rises in Congress as More Newspapers Combine," The New York Times (June 25, 1990). On a practical level, it should be noted that 1990 is a "short year" for Congress because of the fall elections; the legislative calendar has long been filled through July. Thus, passage of a bill that had not reached the Senate by March, and that involves a complex issue, is highly unlikely, if not impossible, this year. But again, the reality of Congressional schedules does not mean there is no interest in amending the NPA; it just probably won't happen this year.

[30] Pursell said that he originally viewed the Detroit JOA as a "jobs issue" but he now believed the NPA "is in direct interference with the First Amendment." News Release, "Pursell Voices Opposition to JOA; Seeks Repeal of Newspaper Preservation Act," From the Office of U.S. Representative Carl Pursell (July 20, 1989).

[31] Rep. William L. Dickinson (R-Alabama) had concerns (later shown to be unfounded) about alleged antitrust problems at several Alabama newspapers, prompting his legislative assistant to review the NPA; he concluded it had serious problems, and drafted a bill to amend it based primarily on the suggestions offered at the July 1989 hearings. Because Rep. Dickinson no longer had a constituent-based interest in the Act, his staff intended to turn over their files to Rep. Pursell's office for further action. Telephone interview with Jim Link, Legislative Assistant to Rep. William Dickinson (March 9, 1990).

[32] Telephone interviews with Kevin Kraushaar, Legislative Counsel to Rep. Carl Pursell (R-Michigan) and Jim Link, Legislative Assistant to Rep. William Dickinson (R-Alabama) (March 9, 1990).

introduced a bill in the U.S. House to repeal the NPA, while grandfathering all existing agreements.[33]

E. Organized Non-Congressional Opposition to the NPA

After their efforts to have the courts declare the Newspaper Preservation Act unconstitutional failed,[34] several of the Detroit JOA opponents joined forces with JOA opponents nationwide to form a national lobbying group to urge Congress to draft legislation to repeal the NPA.[35] The national group's first task was to support the opponents of the York, PA JOA in their court challenge of its approval.[36] The Detroit JOA opponents have not

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[33] Pursell argued that the independence of a newspaper is compromised when it seeks government assistance for its basic survival:

> This creates an unholy alliance when, in fact, the competitive market should be allowed to work its natural course. How can a newspaper, which is supposed to be free from government intervention under the First Amendment, fulfill its role as a watchdog of government when the government is party to the granting of the paper's monopoly status?

News Release. "Pursell Calls for Repeal of Newspaper Preservation Act," From the Office of U.S. Representative Carl Pursell (June 6, 1990).

[34] The law had withstood three previous challenges to its constitutionality. In Bay Guardian Co. v. Chronicle Publishing Co., 344 F Supp. 1155 (D.C. Cal., 1972), the San Francisco JOA precipitated an unsuccessful challenge to the constitutionality of the NPA on the grounds that it unfairly encouraged a journalistic monopoly, thus effectively violating the press freedom guarantee of the First Amendment. A decade later, in City & County of Honolulu v. Hawaii Newspaper Agency, Inc., 7 Media L Rep (BNA) 2495 (D. Hawaii 1981), the Honolulu JOA was unsuccessfully challenged with the claim that it abridged First Amendment rights, violated equal protection, and was overbroad. And the next year, both Bay Guardian and Hawaii Newspaper Agency were relied upon by the District Court in dismissing the claims of unconstitutionality of the NPA as it was applied in the Seattle JOA. Comm. for an Independent P-I v. Smith, 549 F Supp. 985 (W.D. Wash. 1982).

[35] The organizer of the group is W. Edward Wendover, publisher of the weekly Plymouth-Canton (MI) Community Crier, and one of the leaders of Michigan Citizens for an Independent Press, which group challenged the Detroit JOA in the U.S. Supreme Court. The group filed in Michigan on February 9, 1990 for nonprofit status, with additional plans to file with Congress as a lobbying group. George Garneau, "Weekly publisher spearheading national fight against JOAs," Editor and Publisher: 42-43 (March 3, 1990).

[36] The York Citizens for an Independent Newspaper Committee (York Citizens, Inc.) filed suit on March 9, 1990 in the U.S. District Court for the Middle District of Pennsylvania asking for a temporary restraining order against the implementation of the York, PA JOA, until such time as public hearings could be held on the JOA application. In approving the York JOA, the Justice Department Antitrust Division had ruled that public hearings were not required; Attorney General Richard Thornburgh concurred. On March 12, 1990, a District Court Judge refused to grant the restraining order or to order new hearings. "Judge refuses to block JOA in York,

(Footnote Continued)

advanced any particularly original or noteworthy arguments regarding the NPA; the group is simply very persistent.[37] As such, the anti-NPA momentum it has generated has attracted the attention of legislators concerned with the effectiveness of antitrust law, and it is now those legislators who have taken the lead in the effort to amend or repeal the NPA.

Additionally, support for the anti-NPA movement is growing. At its annual convention in late May 1990, the Association of Alternative Newsweeklies (AAN) voted to support "a legislative reappraisal of the Newspaper Preservation Act."[38] Ironically, this position is now supported by the lawyer who was assistant counsel for the Senate's Antitrust Subcommittee at the time the NPA was passed; he said this was "an opportunity to make up for a terrible mistake I was involved in 20 years ago."[39] And, in late June 1990, The Newspaper Guild voted unanimously to support Rep. Pursell's bill calling for repeal of the NPA.[40]

The viability of the Newspaper Preservation Act is thus a continuing public concern in 1990.

(Footnote Continued)
Pa.," Editor and Publisher: 13 (March 17, 1990). The York JOA opponents had earlier vowed to appeal any negative court decision in the case [Telephone Interview with W. Edward Wendover (March 12, 1990)], but no such action had been taken as of early July 1990.

[37] Two months after the JOA began operation, the opponents petitioned the Justice Department to investigate alleged violations. In question were the actions of the newspapers in publishing four-section papers if there was not enough advertising to fill the six sections specified in the contract, and also the newspapers' decision to jointly publish on certain major holidays that did not fall on weekends, with only the weekend joint printing specified in the contract. A Justice Department attorney responded that "the Department ... does not and cannot police or enforce the contractual terms of JOAs." Keith Naughton, "U.S. Refuses to Police JOA in Detroit," The Detroit News: 2E (March 21, 1990).

[38] Mark Fitzgerald, "Anti-JOA Coalition Adds an Ally: Association of Alternative Newsweeklies Votes to Support a Legislative 'Reappraisal' of the Newspaper Preservation Act," Editor & Publisher: 13 (June 9, 1990).

[39] Id.

[40] "Union Supports Bid to Repeal JOA Law." The Detroit News: 2C (June 29, 1990).

II. Limitations of the NPA

A. Exclusions from the Argument

It is not within the scope of this paper to take part in the debate regarding the economic benefits or liabilities of the Newspaper Preservation Act. Clearly, there are economies of scale when newspapers share joint production and distribution facilities.[41] And a release from the per se antitrust violations of price fixing, profit pooling, and market allocation could be quite profitable for the papers involved, though achieving a JOA does not necessarily mean that the "failing" newspaper in the market will turn into a success.[42]

Neither is it within the scope of this paper to discuss allegations regarding the deleterious effect of JOAs on such issues as newspaper content or competition within JOA markets. Those issues have been well researched by others, with the general conclusion that things are not as bad as opponents had feared. Those studies have found that:

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[41] Those economies "are not passed on to the advertisers or newspaper consumers, but retained and used to boost profits to owners." Robert G. Picard, "Pricing Behavior of Newspapers," IN Press Concentration and Monopoly: New Perspectives on Newspaper Ownership and Operation (Robert G. Picard, James P. Winter, Maxwell E. McCombs, and Stephen Lacy eds. (Norwood, NJ: Ablex Publishing Corporation, 1988) at 55-69.

[42] The fate of four of the original 19 JOAs is evidence that the Act could not preserve all of those newspapers it was specifically tailored to "save." See Footnote 89, supra. Additionally, even a "new" JOA authorized under the NPA ran into problems early in the agreement. The Anchorage, Alaska JOA was terminated by the parties after only five years, with the newspapers involved reverting back to individual production. Also, in the St. Louis, Missouri JOA, begun in 1961, and one of those preserved by the NPA, the parties reportedly lost $11 million between 1978 and 1981, before the "failing" newspaper was sold. The new owner was successful in keeping the newspaper afloat without a JOA for only three more years. For an extended treatment of the demise of the St. Louis Globe-Democrat, see Craig Sanders, "Aftermath of the Death of the St. Louis Globe-Democrat: Are Failing Newspapers Still Worth Preserving?" St. Louis University Law Journal 33(4):1005-1048 (Summer 1989). Finally, in the case of the Miami JOA, the two newspaper publishers continue to reap the benefits of antitrust law exemptions even though the "failing" newspaper there is no longer being published.

(1) The content of JOA newspapers is more similar to that in fully independent two-paper competitors than in a single dominant paper.[43]

(2) The existence of a JOA between metropolitan papers doesn't harm the establishment nor circulation of suburban newspapers in that market.[44]

B. The 3-4 Percent Non-Solution and Other Editorial Voices

The fatal flaw of the Newspaper Preservation Act is that it was an overreaction to the events surrounding the *Citizens* case. When the Tucson JOA was declared illegal by the Supreme Court, it threatened significant economic disruption to newspapers in 18 other cities that also had joint operating agreements. A reasonable response by Congress would have been to confirm the legality of only those existing agreements, but the NPA went much further and provided for future combinations in restraint of trade.

In 1968, when the NPA was being debated in Congress, there were about 1,500 U.S. cities with English-language daily newspapers; that number is about the same today. But the Act was not directed at preserving editorial voices in all those cities, much less in cities with only non-daily publications; rather, it focused only on the 68 cities that had two or more competitive newspapers (including JOA cities). This means that the NPA had the potential to preserve editorial voices in at the most about 4.5 percent of American cities in 1970; today there are 41 daily competitive markets (including JOA cities), and the percentage has actually dropped to 2.7 percent.[45]

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[43] Birthney Ardoin, "A Comparison of Newspapers Under Joint Printing Contracts," *Journalism Quarterly* 50(2):340-347 (Summer 1973); Stephen Lacy, "Content of Joint Operating Newspapers," IN *Press Concentration*, *supra* at 147-160. *Cf* Ronald G. Hicks and James S. Featherston, "Duplication of Newspaper Content in Contrasting Ownership Situations," *Journalism Quarterly* 55(3):549-553 (Autumn 1978), in which the authors conclude that the type of ownership doesn't seem to make much difference in duplication of content.

[44] Walter E. Niebauer Jr., "Effects of the Newspaper Preservation Act on the Suburban Press," *Newspaper Research Journal* 5(4):41-49 (Summer 1984) found that a relatively strong suburban press emerged in areas with JOAs, thus lending no support to the claims by opponents that there would be fewer suburban papers with lower circulation. Stephen Lacy, "Competing in the Suburbs: A Research Review of Intercity Newspaper Competition," *Newspaper Research Journal* 9(2):69-76 (Winter 1988) cites other research confirming Niebauer's findings.

In 1990, one needs to ask just how many additional newspaper voices that qualify for the NPA might possibly need antitrust exemptions. Some analysts say that even though there remain about 20 U.S. cities with editorially competing dailies that are not in nor seeking a JOA, only about a dozen of them might be NPA candidates since there is too large of a financial disparity between the two newspapers in the remainder to make the stronger one willing to enter into a JOA.[46] The question, therefore, for those urging that the NPA will be needed in the future, is whether the time, expense, and staff effort necessary to maintain the NPA is worthwhile for the limited number of newspaper markets that might yet take advantage of the law.[47] This author would argue that it is not.

An important distinction that is not addressed in the NPA is that the American "press" is not confined to the print media, much less to daily competitive newspapers. Even in the general realm of newspapers, alternative "voices" can be found in many communities by way of the suburban press, and through national newspapers such as the Wall Street Journal and USA Today. More importantly, both at the time the NPA was enacted as well as presently, daily competitive newspapers have not been the only "editorially and reportorially independent and competitive" voices that have been heard "in all parts of the United States," the defined commodity that the Congressional declaration of policy in the NPA sought to maintain.[48] The version of the "marketplace of ideas" available in the past 20 years draws additional diverse viewpoints to newspapers from radio and

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[45] Editor & Publisher International Year Book 1989, supra.

[46] Anderson, supra, at 7.

[47] This presumes that only newspapers in daily competitive markets can take advantage of the NPA.

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[48] The 'malady' that the NPA was attempting to treat was the purported loss of independent editorial voices. But the 19 voices that were 'saved' in 1970 by the NPA, and the subsequent six voices that have since been 'rescued,' need to be placed into the overall context of the availability of editorial voices in other mass media. The following table, compiled from both historical and present data, shows in general the diversity of outlets for public opinion in both 1968, when Congressional deliberations on the NPA began, and 1989, the most recent data available for current comparison.

	1968	1989	% Increase/Decrease 1968 to 1989
NEWSPAPERS			
Dailies	1,833	1,788	- 2.45%
Weeklies	8,855	8,420	- 4.9%
Semi/triweeklies	474	662	+ 2.8%
Subtotal:	11,162	10,870*	- 2.6%
PERIODICALS			
Weekly	1,796	553	- 69.0%
Monthly	4,331	4,239	- 2.1%
Quarterly	1,078	2,758	+ 60.9%
Other	2,195	3,542	+ 38.0%
Subtotal:	9,400	11,092	+ 15.25%
BROADCAST			
AM Radio	4,190	3,586	- 14.4%
FM Radio	2,079	3,659	+ 43.2%
TV Stations	785	1,265	+ 37.9%
Subtotal:	7,054	8,510	+ 17.1%
TOTAL 'VOICES'	27,616	30,472	+ 9.4%

* An additional 601 titles are published biweekly, semimonthly, monthly, bimonthly, quarterly, or are some variant other than listed.

The Mass Media: Aspen Institute Guide to Communication Industry Trends, Christopher H. Sterling and Timothy R. Haight, Eds. (New York: Praeger Publications, 1978); Gale Directory of Publications and Broadcast Media: An Annual Guide to Publications and Broadcasting Stations, 122nd Edition, Volume 3, Donald P. Boyden and John Krol, Eds. (Detroit: Gale Research Inc., 1990).

television broadcasting, from both general and specialized magazines, and even from the access the desktop computer provides to electronic information. Additionally, cable services provide diverse programs not found in traditional broadcasting, and also provide access to broadcast stations not available locally. And, in the 1990's, there is also the contribution to public discussion provided by the ubiquitous facsimile machine.

A law which was intended to shield only daily competitive newspapers from unfavorable market forces, without considering the contribution of ideas from other media, at the very least creates an artificial hierarchy which places daily competitive newspapers in a superior position. All other considerations aside, this author can see no useful purpose for a law that implies some editorial "voices" matter more than others.

C. Recent Manifestations of the NPA's "Nebulous" Tenets

1. *Overview* -- Even for those newspapers that qualify, the Newspaper Preservation Act does not work well because its basic tenets are too nebulous to adequately address either the eligibility of newspapers for inclusion under the Act, or the legality of specific joint activities once the agreement is in effect. Evidence for these assertions can be found in both operating and prospective joint operating agreements. The various actions to be discussed in this section appear to be perfectly legal according to the broad terms of the NPA, but only because the Act is essentially silent on any limitations other than the prohibition of editorial mergers.[49]

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[49] See Footnote #13, *supra*.

2. Operating JOAs -- There are significant examples in the application of the Newspaper Preservation Act that underscore the conclusion of this paper that the Act simply does not deliver the results for which the antitrust exemption was given.

First, there is the Detroit situation. Before entering their JOA, *The Detroit News* had the ninth and the *Detroit Free Press* the tenth largest circulation in the U.S.; their parent firms, the Gannett Corporation and the Knight-Ridder group, were first and second nationally of all chain newspaper organizations.[50] When the Detroit JOA began, the papers had a combined daily circulation over 1.3 million,[51] making it the largest agreement operating under the terms of the NPA. Congress specifically approved the eligibility of a "failing" chain-owned newspaper even when the chain itself was profitable and had other profitable members; only the economics of the particular newspaper applying for the antitrust exemption were to be considered.[52] This intent was validated in a challenge to the Seattle JOA wherein the U.S. Ninth Circuit Court of Appeals held that the financial condition of a failing newspaper was to be evaluated on a stand-alone basis since it could not be assumed that a parent corporation would indefinitely cover losses.[53]

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[50] *Editor & Publisher International Year Book 1989*, *supra*. However, due to the terms of the Detroit JOA, wherein *The News* is restricted to afternoon publishing, while the *Free Press* maintains it morning schedule, the most recent circulation figures show that the *Free Press* is now ninth in circulation nationally, while *The News* has fallen to twelfth place. Mark Fitzgerald, "Regional Shift in Reader Patterns Evident: Latest Audit Bureau of Circulation's FAS-FAX Figures Show Many Eastern Newspapers with Daily Declines; Western Newspapers with Increases." *Editor & Publisher*: 12-13 (May 12, 1990).

[51] George Garneau, "JOA OK'd: Deadlocked U.S. Supreme Court Vote of 4-4 Results in the Approval of the Detroit Newspapers' Joint Operating Agreement," *Editor and Publisher*: 9, 34 (November 18, 1989).

[52] The NPA defines an eligible "newspaper owner" as "any person who owns or controls directly, or indirectly through separate or subsidiary corporations, one or more newspaper publications." *Newspaper Preservation Act*, Section 1802.

But Congress made no provision in the NPA for the circumstances under which the two largest chains in the nation would take advantage of this law because of losses incurred during attempts by each to dominate the Detroit market. Administrative Law Judge Needleman acknowledged the stand-alone distinction as applied to the Seattle JOA, but he argued that this requirement did not mean that a parent organization was totally free of scrutiny in determining if a subsidiary newspaper is truly "failing."[54] Though Needleman's judgment was overruled by Attorney General Meese, this matter is important in the argument of this paper because it exemplifies the contradictory interpretations that can result over the vaguely worded "failing newspaper" standard.[55]

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[53] *Committee For an Independent P-I v. Hearst Corp.*, 704 F 2d 467 (9th Cir.). at 480-481; *cert. denied*, 464 US 892 (1983) [hereinafter *Hearst*].

[54] Needleman argued that the *Hearst* (*Id*.) stand-alone requirement

> ... cannot be transferred into a requirement that one must be oblivious to the obvious point that the Free Press's financial condition was traceable to the parent's strategy of seeking future domination and profitability (or a favorable JOA) at the expense of present profits. Even if this goal of domination was economically rational (that is, not indicative of mismanagement) I find nothing in the legislative history of *Hearst* which says the losses attributable to such a policy guarantees an exemption under NPA. While mismanagement or the use of creative bookkeeping by a parent to create the illusion of a failing subsidiary requires a denial of failing paper status, this does not mean that losses produced by competent management, irrespective of overall corporate policy, guarantees certain approval. To adopt such a line of reasoning would mean that any newspaper could engage in a whole panoply of risky strategies secure in the knowledge that the reward for failure — a JOA — may be just as valuable as, say, a successful attempt at monopolization. At most, I read NPA as being neutral on this point, neither penalizing nor rewarding firms determined to eliminate their competition.

Decision and Order, *supra*, at 121-122.

[55] The *Recommended Decision* in the Detroit JOA Application, *supra*, at 116-127, contains significant discussion on the interpretation of "probable danger of failure." Administrative Law Judge Needleman defined

(Footnote Continued)

On another front, the Miami JOA has presented a legal predicament to the Justice Department because of the demise of the Miami News on December 31, 1988; the News had been in a JOA with the Miami Herald since 1966. Under the NPA, the parties to a JOA begun before the effective date of the law may renew or amend their agreement provided that "the terms of a renewal or amendment ... must be filed with the Department of Justice."[56] An unpublicized renegotiation of the Miami JOA in 1987 allowed Cox Enterprises, owner of the News, to share in the operating profits of the Miami Herald, owned by the Knight-Ridder group, at a lower percentage, whether or not the News was published.[57] Since the NPA was silent on when the filing with the Justice Department was required, the parties to the Miami JOA were able to keep their renegotiation secret for about a year, until shortly before the News ceased publication. This gave the Justice Department very little time in which to react.

Critics quickly pointed out that the renegotiated agreement gave the Miami News no incentive to stay in business; indeed, by extending Cox's share of the royalties to the year 2021, it was estimated that the organization could earn as much as $300

(Footnote Continued)
the key problem in applying the NPA to Detroit as the need to determine "what lies between the strict 'grave probability of a business failure' standard of Citizens Publishing and the more lenient '[un]likely to remain or become a financially sound publication' standard of NPA for pre-1970 JOA's." In an attempt to make this determination, Needleman went back to the legislative history of the NPA where he found "surprisingly little" to assist him. Consequently, he spent the next ten pages of the decision attempting to combine what little he found in the legislative history with previous general antitrust decisions, and with other JOA decisions, in order to determine if the Detroit Free Press met the standard. He concluded that it did not.

[56] Newspaper Preservation Act, Section 1803.

[57] Andrew Radolf, "Miami News May Fold: Cox Enterprises Puts the Money-losing Paper up for Sale, but a Renegotiated JOA Makes it Likely the Paper will Close on Dec. 31," Editor and Publisher: 48, 28 (October 22, 1988).

million, unquestionably more than if the *News* had continued to operate at its $9 million per year loss until the end of the original JOA in 1996.[58] What seems to have been forgotten by the parties to the renegotiated Miami JOA is the reason an antitrust exemption is granted -- that is, to keep a newspaper publishing. As one Miami reporter put it, "It didn't seem exactly *American* but Cox and Knight-Ridder pointed out that it was legal."[59]

Soon after the *Miami News* ceased publication, the Antitrust Division of the Department of Justice announced, without giving any details, that it was "investigating" the situation. To date, however, that investigation is still "ongoing" with "no time limit" set for resolution.[60] The legal challenge in the Miami case revolves around the "available remedies" that the Antitrust Division could apply, which remedies are not universally known.[61] The NPA provides no help; it is silent on the issue.

Instead, any action brought by the Justice Department most likely will be modeled on general antitrust law, similar to the situation with the St. Louis JOA. In 1983, Newhouse Newspapers, owner of the *St. Louis Globe-Democrat* (the JOA "failing" paper), wanted to close it, leaving only its JOA partner, the *St. Louis Post-Dispatch*, published by the Pulitzer Publishing Co. The Antitrust Division intervened, requiring Newhouse to put the

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[58] Joel Achenbach, "The Bottom Line: What Happened to Miami's Oldest Newspaper was a Simple Matter of Profit ... and Loss," *The Miami Herald "Tropic" Magazine*: 9-15, 19 at 9 (January 29, 1989).

[59] *Id*.

[60] Telephone interviews with Fred E. Haynes, Assistant Chief, Professions and Intellectual Property Section, Antitrust Division, U.S. Department of Justice (February 28, 1990; June 20, 1990).

[61] Assistant Chief Haynes noted that "there is very little law in this area." *Id* (February 28, 1990).

Globe-Democrat up for sale.[62] In the *Miami News* case it would be impossible to apply the exact solution that was used in St. Louis because the Antitrust Division did not intervene before the Miami newspaper ceased publication. However, it seems that general antitrust regulations and another "marketplace solution" would again be appropriate here, with at least an order to dissolve the profit sharing agreement, since it appears to be a *per se* violation of the Sherman Antitrust Act.[63] The legal conundrum in Miami is this: Antitrust laws prohibit profit sharing because of the unfair competition it promotes. But the NPA shields newspapers in a JOA from being prosecuted for sharing profits so that they can keep alive editorial voices. However, the *Miami News* "voice" is "dead," *and* the antitrust exemption continues. The public, whom antitrust laws are designed to protect, is thus doubly harmed by the Miami situation.

What will never happen in Miami, of course, is the resurrection of the *News'* editorial "voice." Indeed, there would be First Amendment violations if the Antitrust Division ever found itself in the position of "ordering" a newspaper to publish.[64] Rather, the Justice Department must enforce existing antitrust legislation that is directed at curbing abuses of market power. The problem, however, is that, separate from any shortcomings of the NPA, there has been a more permissive administrative view of the antitrust laws in general during the past decade.[65]

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[62] This authority is not specified in the NPA, but it is in the general province of Antitrust Division power to prevent a monopoly. Even though the newspaper was purchased by another owner, and operated without the benefit of a JOA, the *Globe-Democrat* was shut down in October 1986. Sanders makes the cogent observation that the ultimate failure of the newspaper cannot be blamed on the failure of the Antitrust Division to take any more decisive action to save the *Globe-Democrat* because, unlike such governmental entities as the Federal Communications Commission, it generally lacks statutory authority to regulate the news media. Sanders, *supra*.

[63] See Footnote 85, *supra*.

[64] *Cf* *Miami Herald Publishing Co. v. Tornillo*, 418 US 241, 94 S Ct 2831, 41 L Ed 2d 730 (1974). In the case of a newspaper that declined to print a letter from a local politician rebutting a newspaper editorial opposing his election, Chief Justice Burger ruled in favor of the newspaper, stating that it would be unconstitutional to require a newspaper to print what it otherwise would not.

3. Recent JOA Applications -- Each new JOA that has been proposed in recent years seems to raise additional questions about the basic tenets of the Newspaper Preservation Act.

While the Detroit case was still being decided, three new JOA applications were made to the Justice Department, and two of them immediately sparked controversy.[66] The first has the unusual twist of proposing to join the small daily Manteca (CA) Bulletin with the twice-weekly Manteca News. Once again, this is uncharted territory since the statute does not contain specific language prohibiting a non-daily newspaper from applying; however, the legislative history of the Act speaks only of daily competitive newspaper markets.[67] Even though application was made in May 1988, the Manteca case has not yet undergone Antitrust

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[65] For an extended analysis of the fate of antitrust law during the 1980s, see William F. Shughart II, "Antitrust Policy in the Reagan Administration: Pyrrhic Victories?" IN Regulation and the Reagan Era: Politics, Bureaucracy and the Public Interest, Roger E. Meiners and Bruce Yandle, Eds. (New York: Holmes & Meier, 1989). Also, as noted previously, the reason for holding the 1989 Oversight hearings on antitrust policy in the U.S. House was a "serious lack of enforcement" of antitrust law. News Release, Brooks Asks, supra.

[66] The apparently "noncontroversial" JOA application was made in August 1989 by the Las Vegas (NV) Sun and the Las Vegas Review-Journal. In December 1989, the Antitrust Division recommended that it be approved without public hearings; the Attorney General affirmed that recommendation on June 1, 1990. Some would say this is the "perfect" JOA application in that it would keep alive the Sun, a paper that one reporter calls "one of the nation's more distinctive newspaper voices," because "in his front-page columns, editor and owner Herman M. (Hank) Greenspun ... never backed off from controversy, once suggesting that Sen. Joseph McCarthy kill himself for the good of the nation." Mark Fitzgerald, "1989-in-Review: A Challenging year," Editor and Publisher: 11-13, 46-47 at 13 (January 6, 1990).

[67] See, e.g., H.R. Rep. No. 91-1193, supra.

Division review;[68] thus, the Justice Department has not publicly indicated how this application will be treated. In any event, this apparent attempt to test the limits of the NPA is a striking example of the vagueness of the statute's eligibility requirements.

It is ironic that just after the largest ever JOA was cleared for operation, the smallest ever JOA was approved, and in about one-fourth the time. The York (PA) Daily Record and the York Dispatch applied for a JOA in March 1989; in June 1989 it was recommended by the Antitrust Division for approval without public hearings, and was formally approved by Attorney General Richard Thornburgh on February 21, 1990.[69] Thornburgh simultaneously denied the motion of the York Citizens Independent Newspapers Committee for an extension of time to file a reply to the Antitrust Division recommendation. Thornburgh noted that the citizens group offered no excuse for missing the reply deadline, and because he concluded that the group raised no issues that had not already been discussed in testimony that met the deadline, he argued there was no need to grant the extension.[70]

While it may be true that the group in question did not adhere to proper procedures, and in fact had nothing new to offer, the York ruling uncovers yet another controversial issue about the NPA -- that those who may be harmed by relaxation of the antitrust laws have only limited rights to express their concerns, since the Justice Department is not required by the NPA to hold public hearings on a JOA application.[71] This issue precipitated the decision of the York JOA opponents to appeal Thornburgh's ruling,[72] though apparently, that appeal process has now been terminated. Serious questions remain, however, about the appropriateness of the York JOA.[73]

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[68] The Attorney General has not yet acted on a request by the parties to hold certain required financial information in confidence. Haynes, supra (June 20, 1990).

[69] In the Matter of: Application by York Daily Record, Inc., and York Newspapers, Inc., for Approval of a Joint Newspaper Operating Arrangement Pursuant to the Newspaper Preservation Act, 15 USC Sections 1801-1804. Order (Public File No. 44-03-13).

[70] Id.

D. Faulty Construction of the NPA

1. Background -- The social question addressed in this paper is whether the special exemption from application of the antitrust laws is justifiable in the case of the Newspaper Preservation Act. This author argues that it is not. Instead, the Act seems to be a classic illustration of the principles of "statutorification" in American law -- a phrase coined by

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[71] Thornburgh (*Id*. at 4) claimed that:

> Many readers of newspapers in York plainly have strong feelings about the JOA and are requesting a public hearing as a forum for making those feelings more widely known. Nevertheless, the regulations require that an evidentiary hearing be held only if necessary to resolve factual issues before making the findings required by the statute for approval of the JOA. Because no genuine issue of fact has been identified, an evidentiary hearing before an administrative law judge is not warranted.

Justice Department regulations for reviewing JOA applications can be found at 28 CFR 48.1 - 48.16 (1981).

[72] W. Edward Wendover argues that there is no way that information submitted in a JOA application can be truly examined without the right of the public to question it. Wendover, *supra*.

[73] An article published after the York JOA was approved charged that:

> The York application was atypical in almost every way. The 'failing' paper's circulation and market share were on the rise, while readership at the 'dominant' *Dispatch* was dropping. The *Record's* ad revenue ... was also closing in.

Marc Boisclair, 'York's JOA Dailies -- A Shotgun Wedding?' *NEWSINC*:8-10 at 8-9 (June 1990). Longtime JOA critic Stephen Barnett, law professor at the University of California, Berkeley, claimed that the approval of the Detroit JOA had 'blessed the manufacture of a failure,' and had thus 'set the stage' for other JOAs, including the one in York. Boisclair, *supra*, at 9.

Calabresi[74] -- meaning that changed circumstances can render statutes enacted in a previous time inconsistent with current social or legal thought. Of particular concern are statutes made for an emergency, crisis, or specific problem; the relevant circumstances in this paper involve the intense pressure placed on Congress by publishers of those newspapers with existing JOAs after the Citizens decision made those agreements illegal.[75] Calabresi argued that "such crisis laws are the product of quick changes, and other quick changes can render them anachronistic.[76]

That the NPA fits the definition of a "crisis law" is further clarified by Knox who described the Act in terms of a "standard scenario" that equates private and social benefits whenever a longstanding business practice is challenged in court.[77] In the case of the NPA, the analogy calls into question the issue of just who are the *primary* benefactors of the Act -- the general public, as would be the case if the Congressional statement of purpose were followed,[78] or the newspaper publishers, as would be the case if it weren't. The Knox analogy calls attention to benefits *not* stated in the NPA, benefits which are solely economic and which have the power to totally overshadow the Act's goal of maintaining independent editorial voices. Maintaining editorial voices is a *social* goal, and the fact that it was expected to be achieved through economic means reveals an obvious clash between social and economic values.

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[74] Guido Calabresi, A Common Law for the Age of Statutes (Cambridge: Harvard University Press, 1982).

[75] While the Citizens case was still in the appellate court system, publishers of existing JOA newspapers were consulting their Congressional representatives about a potential remedy for their newspapers. At the publishers' behest, during the first session of the 90th Congress, a bill was introduced in the Senate under the heading of the "Failing Newspaper Act" (by the time it reached the House in the 90th Congress, the was changed to the "Newspaper Preservation Act"). Over the next 27 months, spanning the 90th and 91st Congresses, the Senate and House held 33 days of public hearings (21 of which were in the 90th Congress in the Senate) which produced 5,201 pages of printed testimony. Congressional momentum on the legislation rose and fell in correlation with the various court rulings on the Citizens Publishing case.

[76] Calabresi, supra at 133.

[77] In this scenario, when a court ruling is passed that is unfavorable to business,

> The business affected will complain bitterly, a strong lobbying campaign will be pursued, and finally Congress will pass legislation to exempt the industry from the adverse decision. Many times this is done under the guise of some specialized application of antitrust policy when in fact it is based upon socio-political factors unrelated to antitrust concepts. ... After a period of time, legislation is passed that nullifies the court ruling, restores the business situation and protects it with a grandfather clause, and sets forth explicit rules that must be met if the situation is ever to be tampered with in the future. The benefactors of this scenario are usually a relatively small minority of private entrepreneurs ....

Robert L. Knox, "Antitrust Exemptions for Newspapers: An Economic Analysis," The Law and Social Order (1971).

2. Erroneous Assumptions of the NPA -- The 91st Congress did not come to terms with the fundamental problem of conflicting social and economic values when it passed the Newspaper Preservation Act. As a result, one scholar argues, the Congressional reasoning process leading to enactment of the law was faulty, based on the two erroneous assumptions that (1) the editorial and reportorial independence of newspapers was threatened by the law as it existed under *Citizens Publishing*;[79] and (2) that one needs to eliminate economic competition through joint operating agreements in order to achieve newspaper competition.[80]

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[78] See accompanying text to Footnote 87, *supra*.

[79] There was no evidence that this assumption was valid -- an alternative in the *Citizens* case could have been a merger, and Congress was given no specific findings that ending the remaining 21 JOAs would cause any of the newspapers involved to immediately fail. Allen Gibboney, "Comments: The Newspaper Preservation Act," *University of Pittsburgh Law Review* 32:347-361 (Spring 1971).

[80] Arguing that the contrary is more correct for newspapers in a JOA, which, by virtue of the arrangement, pay very close attention to what the other's position is on prominent issues, Gibboney asserted that in these cases, "the editorial independence is just as surely destroyed as if the editorial policy was managed from a central office." *Id*. at 358.

A "mindset" prevailed twenty years ago during Congressional hearings on the NPA that newspapers which have competition will have a higher quality, be more diverse, more fair or balanced, or more responsive to citizen interests than would monopoly papers.[81] But that position should not have been a foregone conclusion. A competing theory suggests that, whether or not they choose to use such an advantage, monopoly papers are better able to serve citizen interests because they "will have the available financial resources to invest in the new technologies and product improvements that are the driving force behind improvements in society's standard of living."[82] The point here is that the premise that competition is best, upon which the NPA was founded, is not the

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[81] The same themes were heard in all the hearings, in the Senate and in the House, in the 90th and in the 91st Congresses (1968-1970). Some representative samples follow:

> The justification for the exemption is that it will permit a second competing voice to operate in the community. That is the rock basis on which the bill is argued for. Senator Philip Hart (D-Michigan), Chairman of the Senate Subcommittee on Antitrust and Monopoly of the Committee on the Judiciary, *The Failing Newspaper Act: Hearings on S. 1312 before the Subcomm. on Antitrust and Monopoly of the Senate Comm. on the Judiciary*, 90th Cong., 1st Sess. at 269 (1968).
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> This limited exception to competitive rivalry is a small price to pay for preserving a newspaper that would otherwise cease to contribute to the political, economic, and social life of the community in which it is located. Statement of Arthur B. Hanson, General Counsel, American Newspaper Publishers Association, *FNA Hearings on S. 1312* at 44.
>
> It is in the public interest to permit the reduction of competition in commercial activities at this early stage to save the newspaper's life as a competitor in the news and editorial field. Statement of Prof. Richard E. Day, The Ohio State University College of Law, *FNA Hearings on S. 1312* at 176.
>
> Where the existence of independance in news and editorial reporting is challenged by faltering commercial operations, then reasonable steps must be taken to assure continuance of independent news sources. Opening statement of approximately 100 cosponsors, *Newspaper Preservation Act: Hearings on H.R. 279 and Related Bills before the Antitrust Subcomm. of the House Comm. on the Judiciary*, 91st Cong., 1st Sess. at 9 (1969).

[82] Barry R. Litman and Janet Bridges, 'An Economic Analysis of Daily Newspaper Performance,' *Newspaper Research Journal* 7(3): 9-26 at 10 (Spring 1986). The research here does not provide clear evidence for either the competition or market power position.

only possibility, and indeed, neither it nor its alternative has yet been satisfactorily demonstrated.

Another "mindset" exhibited during the NPA Congressional hearings was the assumption that something had to be done to maintain a newspaper that is in a "downward economic spiral."[83] But is the selective demise of individual newspapers such an "unnatural" situation? Economists would argue that it is not, asserting that it is a normal process of economic growth when some companies disappear as a particular industry adjusts to changing technology and consumer demands. One economist asserts that "from an economic standpoint, the disappearance of many daily newspapers is not a new or even significant phenomenon. ... Surviving newspapers presumably remain in the market because they operate more efficiently, better serve reader desires, and provide the best source of advertising for business."[84] This author would ask why we should keep a law that essentially negates those choices that people make when they consistently buy one newspaper but not another? In other words, how does a law that reverses the effect of marketplace choices truly serve the best interests of readers and advertisers in that market?

The important point here is that it is the newspaper as a business, like any other business, which is regulated by the

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[83] To be fair, there were those who did not buy into this position. Representatives Clark MacGregor and Abner J. Mikva filed a dissenting view in the House Report on the NPA. They argued that "no substantial evidence has been adduced to justify this sweeping repudiation of competition in the newspaper industry," and that "not only is the legislation unnecessary, but also its passage would be gravely detrimental to the public interest." They warned that the Act was "private legislation" that gave the newspapers covered by it the "right to engage in otherwise criminal conduct ... forever." H.R. Rep. No. 91-1193, supra, at 3556-3558.

[84] Knox, supra, at 18.

NPA.[85] This means certain realities must be faced. Unfortunately, the economic survival of newspapers does not depend entirely on distinctions between "good" and "bad" journalism, or expressions of "good" and "bad" ideas. Newspapers are designed to serve a general population, and they stay in business only if they meet the diverse and changing needs of that population. Oftentimes, this means providing what some would characterize as trivial information (eg, horoscopes, crossword puzzles). It is the responsibility of the newspapers' managers to keep their products competitive in terms of circulation and advertising, and if they can't do this, it is not the responsibility of government to automatically bail them out.

III. Viability of the NPA in the 1990s

A. Changing Newspaper Markets

The fact of the matter is that newspaper markets just don't work the way they used to. For one thing, readership changes since 1975 have resulted in a steady increase in the number of morning papers with the simultaneous steady decrease in the number of evening papers. There are now only about twice as many evenings as mornings, as opposed to over four times as many in 1975.[86] Furthermore, the majority of evening papers are in smaller markets, meaning that the preference for morning newspapers is strongest in larger markets.[87]

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[85] The ideas disseminated by newspapers cannot be regulated because of First Amendment concerns. The NPA cannot regulate what is in the "marketplace of ideas," but can only manipulate the economic marketplace activities of circulation and advertising.

[86] '90 Facts About Newspapers (Washington, D.C.: American Newspaper Publishers Association, April 1990).

The argument that the total number of daily newspapers in the U.S. has been shrinking needs the clarification that during the same time period, the total number of daily newspaper cities has been increasing,[88] though this trend began to level off after 1970. And, the primary issue of concern to the newspaper industry today has long since ceased to be the availability of dual daily newspaper voices in a single market. The industry currently appears to be "obsessed" with another antitrust issue -- keeping regional Bell operating companies (RBOCs), other potential "voices," out of the electronic publishing business. The American Newspaper Publishers Association is on record as strongly opposing RBOC entry into the market, but the RBOCs are fighting just as hard for the right to compete with newspapers.[89]

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[87] For example, after the Detroit JOA went into effect, the majority of complaints in The Detroit News, which went back to its afternoon publishing schedule after competing head-to-head with the Detroit Free Press in the morning, dealt with the change in time of publication. Thousands of people complained about receiving 'yesterday's news,' or 'stale news,' or about disruption of their workday schedule in which they read their Detroit paper with their morning coffee. Many said if they couldn't have the News in the morning, they didn't want it at all. And, according to figures provided by the Audit Bureau of Circulations, that's exactly what happened -- in the four months following implementation of the Detroit JOA, The News' circulation dropped by nearly 150,000 copies. Fitzgerald, 'Regional Shift,' supra.

[88] The data compares the numbers of daily newspapers and daily newspaper cities at approximately twenty year intervals from 1920 to 1986:

	1920	1940	1960	1986
Total dailies	2,042	1,878	1,763	1,657
Total daily cities	1,295	1.426	1.461	1,513

John C. Busterna, 'Trends in Daily Newspaper Ownership,' Journalism Quarterly 65(4):831-838 at 833 (Winter 1988).

[89] Mark Fitzgerald, 'The Newspaper/RBOC Battle: Is Cooperation a Viable Alternative?' Editor and Publisher: 20, 56 (March 24, 1990); M. L. Stein, "'Guerrilla Warfare' with Baby Bells: Newsday Publisher at ANPA Convention Warns Colleagues to be Ready to Compete for Business in the Telecommunications Area," Editor & Publisher:28, 63 (April 28, 1990); George Garneau, 'Call for Compromise: Congressional Subcommittee tells

(Footnote Continued)

B. Proposed Amendments Don't Resolve the Problem

What has happened in at least Detroit, Miami, and St. Louis is a collective manifestation that the Newspaper Preservation Act is not adequate to address the complexity of newspapers in current society.[90] Those testifying during the 1989 House Subcommittee hearings offered numerous suggestions for amendments. Some scholars have also suggested that problematic aspects of the Act can be "fixed" by means of appropriate amendments.

All of the amendments currently proposed would limit the powers of the NPA,[91] but they are only generalized solutions to specific problems that have occurred in the history of the Act. It is easy to see that the concerns in San Francisco, Miami, Detroit, St. Louis, and Manteca have heavily influenced the major

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(Footnote Continued)
Newspapers, RBOCs to Tone Down the Rhetoric and Work Toward a Mutually Beneficial Electronic Publishing Bill," *Editor & Publisher*: 13, 37 (May 5, 1990). *Cf* Fitzgerald, "Michigan-Based Anti-JOA," *supra* at 15, in which a prominent JOA opponent took the opportunity to "zing" newspaper publishers on this issue:

> "What is Congress going to think when publishers say, 'Hey, we want monopoly rights in print, as well as telecommunications'?" queried Ed Wendover, chairman of the Michigan group ...

[90] The examples cited in Section II of this paper represent situations that are not directly covered by the statute. The NPA does not sufficiently define "failing newspaper" such that a clear determination could be made if the financial actions initiated by Knight-Ridder regarding the *Detroit Free Press* affected the paper's qualification under the Act. The NPA is silent on the issue of a JOA that allows the parties to continue to split profits even if one paper no longer is being published, as in Miami. The NPA is also silent on the general issue of ending a JOA. Overall, the NPA has no provision for updating the Act to reflect the current workings of the newspaper industry.

[91] An amendment to broaden the powers of the NPA, rather than restrict them, was attempted in mid-1988, before the Detroit JOA was approved by Attorney General Meese. A Senate proposal which sought to permit those in a JOA to also engage in such ventures as total market "shoppers" and electronic information services brought strong opposition by weekly newspapers and "shoppers," as well as renewed action by those who had originally opposed the NPA. The bill was cosponsored by Senator Daniel Inouye (D-Hawaii), one of the original cosponsors of the NPA, who argued that the NPA needed to be brought up to date in order to allow those in a JOA even more freedom. The bill was not offered as a direct amendment to the NPA, but was proposed as a rider to an unrelated antitrust bill, thus giving the appearance that its sponsors, in the words of longtime opponent Bruce Brugmann, were trying to "sneak this through without publicity, without hearings...." Soon thereafter, original cosponsor Howard Metzenbaum (D-Ohio) asked to have his name removed from the legislation. The measure did not pass, and the acrimony it raised did not easily dissipate. Ron Milligan, "Proposed JOA Amendment Draws Opposition: Protest by Weeklies and Shoppers Stalls Plan to Expand JOA Freedoms," *Editor and Publisher*:16-17 (July 23, 1988).

proposals, which deal with strengthening the criteria for a JOA application,[92] restricting the authority for approving JOAs,[93] alleviating potential harm to workers in a JOA,[94] defining boundaries for operating JOAs,[95] and providing criteria for terminating JOAs.[96]

The ideas expressed in the proposed amendments are, for the most part, individually sound. But added together, the amendments swamp the original Act. Faced with the prospect of adding layer upon layer of "corrections" to an already unstable base, the prospect of repealing the NPA and starting fresh doesn't seem like such a drastic measure after all.

One alternate solution that does not address change in the NPA, promotes voluntary compliance with a "Modified Newspaper

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[92] Amendments suggested: (1) Bar applications from chain-owned newspapers. Anita M. Carlson, "The Newspaper Preservation Act: The Seattle Application," *University of Illinois Law Review*: 669-699 (1982); Mleczko, *supra*. (2) Codify the Antitrust Division criterion that an alternative purchaser be sought. Carlson, *supra*; Picard Statement, *supra*. (3) Require a "net benefit analysis" to ensure the necessity of a JOA. Carlson, *supra*. (4) Include a stricter and clearer "failing newspaper" standard, with chains requiring a more rigorous test than independent papers. McGrath, *supra*; Norton, *supra*; Boarman, *supra*. (5) Restrict JOAs to U.S. publishers. McGrath, *supra*. (6) Restrict JOAs to daily papers. Picard, *supra*.

[93] Amendments suggested: (1) The Attorney General should not make the final decision because he is a political appointee; instead, it should be an Administrative Law Judge, with his/her decision appealable through the courts. McGrath, *supra*; Norton, *supra*; Boarman, *supra*. Or, (2) the Attorney General should only be allowed to decide based on the facts of the administrative law hearing. Picard, *supra*.

[94] Amendments suggested: (1) Ban "psychological warfare" threats to close the paper if a JOA is not granted, as well as ban sanctions against employees who oppose a JOA. Norton, *supra*; Boarman, *supra*. (2) Mandate severance pay. Norton, *supra*. (3) Mandate that JOA applicants include in their applications agreements with their unions regarding layoffs, buyouts, and other labor-related issues. Picard, *supra*.

[95] Amendments suggested: (1) Periodically review JOAs to insure good faith operation, Norton, *supra*; or (2) to ensure they are not harming consumers. Picard, *supra*. (3) Require JOA management boards to have equal representation from both papers, allow profit pooling only at the beginning of the JOA to stabilize finances, prohibit price fixing and mandatory placement of ads in both JOA papers, prohibit JOA papers from also being in subsidiary media activities in their own geographical area, limit the length of a JOA to 25 years at the end of which the parties must reapply. *Id*.

[96] Amendments suggested: (1) Require that JOAs be a "marriage for life" and that procedures be codified for ending the JOA. McGrath, *supra*; Norton, *supra*; Boarman, *supra*; Picard, *supra*. (2) Ban profit-sharing if one paper goes out of business. McGrath, *supra*.

Act."[97] It suggests that many newspaper financial problems could be resolved by the sharing of production facilities, a type of joint agreement that does not need approval by the Justice Department because it is not a violation of antitrust law. This type of arrangement is something which was available even before the passage of the NPA;[98] it has also been advocated by a group of media economists as a means of "neutralizing" the printing and distribution parts of the industry so that newspapers can get on with their primary business of news gathering and marketing.[99]

But rather than leaving the NPA in effect while newspapers would be urged to not use it, as would be the case in the "Modified Newspaper Act," the group of media economists recommended instead that the NPA be "scrapped," arguing that "it provides only the illusion of competition and precludes real competition. ... At the very least, no new JOAs should be permitted, and inducements to break up existing JOAs provided."[100] This author readily concurs with the first part of that judgment, but reserves comment on the second part until more details of an inducement plan are set forth.

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[97] This plan calls for the elimination of profit sharing and price fixing, which would keep advertising pricing and circulation pricing and promotion separate in each paper; the market allocation provision would be modified so that time of publication is negotiated and the morning paper is required to provide fixed payments to the afternoon paper to offset the predicted drop in readership. John C. Busterna, "Commentary: Improving Editorial and Economic Competition with a Modified Newspaper Preservation Act," Newspaper Research Journal 8(4):71-83 (Summer 1987). I would disagree with Busterna's assertion that no change in the law would be required for the "fixed" payments suggestion. Instead, it would probably trigger Antitrust Division review, thus requiring the "Modified Act" to have the same sort of Congressional sanction as other proposals.

[98] The features that require an antitrust exemption are "price fixing," "profit pooling," and "market allocation." In the Citizens case, the District Court made it clear that it had no problem with the Tucson newspapers using the same printing and distribution facilities: "The printing and distribution of Star and Citizen through joint use of substantially the same mechanical equipment does not depend upon the continuation of the price fixing, profit pooling, and market allocation agreements." 280 F Supp. 978 at 992 (1968).

[99] The recommendations were made by the majority of 30 participants, from both the U.S. and Canada, in the "Press Concentration and Monopoly Research Project," a three-year effort sponsored by the Mass Communications and Society Division of the Association for Education in Journalism and Mass Communication. "Policy Implications," IN Press Concentration, supra at 197-208.

[100] The scholars recommended that the same sort of low-interest loans and investment incentives available to businesses in general could help secondary papers in a market improve their situations. Id. at 202.

C. Practical Considerations of Repealing the NPA

Outright repeal of the Newspaper Preservation Act is not without its own difficulties. One must be mindful of the political realities of such a suggestion. The nation's newspaper publishers would again rise up as a unit in defense of the exemption, as they did because of the *Citizens* decision. And since JOA newspapers occur in so many constituencies, very few legislators would be able politically to oppose those who, to use an old phrase, "buy ink by the barrel."[101]

First, the case must be made that the NPA is an ineffective law that cannot meet the needs of our changing society. In fact, there are serious doubts that the NPA has *ever* met its stated goal.[102] Bad laws should be repealed, but people who have

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[101] By the time the original NPA was presented for passage, there were 33 cosponsors from the Senate and approximately 100 in the House. At the Senate hearings on the Act, a Berkeley Law Professor observed that:

> With a list of the sponsors and their constituencies, and a list of the joint operating agreements and their publishers, it is an easy thing to correlate the two. In most cases, the sponsor's constituency includes one of the combinations the bill would legalize. In almost all the other cases, the constituency includes a paper published by a chain involved in a combination elsewhere -- and no doubt prepared to form new combinations if the bill passes. The kind of lobbying the publishers have put behind this bill is no secret....

Statement of Stephen Barnett, *Newspaper Preservation Act: Hearings on H.R. 279 and Related Bills before the Antitrust Subcommittee of the House Committee on the Judiciary*, 91st Cong., 1st Sess. (1969)

[102] One scholar concluded that the NPA:

> ... fails to achieve the stated goal of Congress to maintain independent, competing voices in the press. It is a failure of tactics, since the procedures established do not allow most foundering papers to enter into a JOA in time. It is also a failure of strategy, since the choice of JOAs as the method of saving troubled newspapers is unsound. JOAs, in practice, foster monopolies and chains, not independent voices.

(Footnote Continued)

legally taken advantage of them should not be punished in the process. Thus, the simplest and probably most fair solution for those cities with existing JOAs would be to allow them to continue until the end of their existing contracts.[103]

There would need to be a concurrent examination of the fate, without a JOA, of the trailing newspapers in the present 21 JOA cities. Such a definitive determination has not yet been made, but media economist Stephen Lacy has reached some relevant conclusions based on what is likely to happen if the NPA were

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(Footnote Continued)
John P. Patkus, "The Newspaper Preservation Act: Why It Fails to Preserve Newspapers," Akron Law Review 17:435-452, at 452 (Winter 1984).

[103] Following is a schedule of the 21 cities with existing JOAs and the time period of those contracts:

	CITY	YEAR JOA BEGAN	YEAR JOA SCHEDULED TO END
1	Albuquerque, NM	1933	2022
2	Birmingham, AL	1950	2015
3	Charleston, WV	1958	2036
4	Chattanooga, TN	1980	2000
5	Cincinnati, OH	1979	2007
6	Detroit, MI	1989	2089
7	El Paso, TX	1936	2015
8	Evansville, IN	1938	1998
9	Fort Wayne, IN	1950	2020
10	Honolulu, HI	1962	2042
11	Knoxville, TN	1957	2005*
12	Nashville, TN	1937	2022
13	Pittsburgh, PA	1961	1999
14	Salt Lake City, UT	1952	2012
15	San Francisco, CA	1965	1995
16	Seattle, WA	1983	2032
17	Shreveport, LA	1953	1994
18	Tucson, AZ	1940	2015
19	Tulsa, OK	1941	1996
20	York, PA	1990	2090
21.	Las Vegas, NV	1990	2040**

* The parties have recently agreed to prematurely end the JOA effective January 1, 1992.
** Provides for automatic 10-year renewals, unless either party gives notice two years before expiration date.

Anderson, supra at 8-9.

repealed.[104] Though he cautions that it is not a certain result, Lacy argues that there is a high probability that the trailing paper in each JOA market would be lost. This is primarily because the overall trend in the newspaper industry has been towards one newspaper cities (at least in markets smaller than that of New York), and most JOA newspapers are in such population areas. Furthermore, the "downward circulation spiral" that was responsible for newspapers seeking NPA protection in the first place has generally continued in JOA markets, with most trailing papers further behind now then when JOAs began. Overall, the picture Lacy paints is that for the most part, without the NPA, market forces from which they've been thus far shielded will cause elimination of the weaker JOA paper.[105]

However, an interesting situation has just occurred which has dramatic implications for Lacy's predictions. Effective January 1, 1992, the Knoxville JOA will be dissolved, and the newspapers involved will return to separate and independent publication. E. W. Scripps Co., owner of the "dominant" Knoxville News-Sentinel, will pay Persis Corp., owner of the "trailing" Knoxville Journal, $40 million over the next two years in compensation for the profits Persis would have received through the original end of the JOA in the year 2005.[106] The idea that a trailing newspaper could receive a lump sum payment from its JOA partner to end an agreement raises the possibility that such an immediate infusion of funds could counter the market forces that would otherwise cause the trailing newspaper to fail.

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[104] Stephen Lacy, "Commentary: The Impact of Repealing the Newspaper Preservation Act," Newspaper Research Journal 11(1):2-11 (Winter 1990).

[105] But, the two factors that could make a difference in preserving newspapers outside a JOA, a strong local economy in a particular market, and ownership commitment and managerial talent, were not included in this analysis of which newspapers were the most vulnerable without NPA protection. Id.

[106] George Garneau, "Knoxville JOA to be Dissolved: E.W. Scripps Co. will Pay Persis Corp. $40 Million over the Next Two Years to End the Pact Between the News-Sentinel and the Journal," Editor & Publisher:13, 59 (June 16, 1990).

IV. Conclusion: Tough Choices Must be Made

The "malady" that the Newspaper Preservation Act sought to "cure" in 1970 was only a minor one. Diversity of reportorial and editorial voices in the U.S. is not a problem when one considers the broad range of mass media, instead of the narrow confines of daily competitive newspaper markets. The NPA should have been limited to rescuing only existing joint operating agreements. Twenty years later, Congress has the opportunity to rectify the situation by grandfathering current JOAs until the end of their agreements, and prohibiting future applications.

The recommendation of this paper, to prohibit future use of the NPA and allow existing JOAs to expire without renewal at the end of their contracts, is a tough call. It is made with the recognition that those newspapers which are surviving only because of the artificial life provided by the NPA will probably go out of business when their existing contract expires.[107] But the reality of today's newspaper market is that some newspapers are simply not going to survive. I would argue that the NPA should not prolong the agony; instead, those papers that are going to be lost anyway should be allowed to "die with dignity."

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[107] But it is obvious from the chart in Footnote #103, *supra*, that all but a half dozen have a long time to plan how to avoid this circumstance.

The claim is made that readers will "suffer" if newspapers go out of business, but such "suffering" has not been sufficiently demonstrated. To do so would require a researcher to make a series of assumptions about what type of "voice" is significant and what is not. The basic determination of what had been "lost" could only be made after a newspaper had ceased publication, thus placing the investigator in the surreal research circumstances of attempting to test the effects of something that did not happen.

The suggestion to end the use of the artificial market conditions created by the NPA is the most expedient solution to the problems described in this paper, as well as the kindest. The effort to change the Act in piecemeal fashion, by addressing specific problematic occurrences with individually tailored amendments, is like plugging so many little leaks in the dike, only to see new ones beginning with the next occurrence not covered by the law. And plugging "leaks" in the NPA every time a new situation arises isn't going to change the fact that the law was faulty at its inception. Instead, propagation of the Act must end.

THE GRAPH MAKERS:
A SURVEY OF THE NEWSPAPER EDITORIAL WORKERS WHO CREATE CHARTS AND GRAPHS

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THE GRAPH MAKERS:
A SURVEY OF THE NEWSPAPER EDITORIAL WORKERS WHO CREATE CHARTS AND GRAPHS

Newspaper executives talk of an ongoing "explosion" in newspapers' use of graphic information and predict that the trend will continue at least into the next century.[1] That this increase has occurred during a time when the amount of space in newspapers available for editorial matter -- the so-called 'news hole' -- has been under continued threat from rising newsprint and general production costs suggests two possible explanations: 1) it may be that graphs and other graphic devices are increasingly used because they can concisely display large amounts of complex data, or; 2) it may be that declining subscription rates are increasingly blamed on newspapers' lack of visual excitement compared to television and magazines, and that graphics are being used to attract reader attention.

This research begins with the assumption that newspaper graphs are generally expected to perform both functions: concise communication of quantitative data and attraction of reader attention. It additionally assumes that the journalists who create newspaper graphs use certain unique artistic techniques to augment the efficiency of their graphs at fulfilling those functions.

Such techniques, here termed "visual attraction techniques," include the artistic illusion of a third dimension, the use of drawings and illustrations within a graph, the replacement of bars in bar charts or pies in pie charts with artistically drawn objects, and background grids or screens behind the graph itself. These techniques fundamentally differentiate mass media graphs from their counterparts in scientific and technical literature.[2]

Given the increasingly important role of graphs as mass media messages, a logical first step in verifying these assumptions entails describing the professional characteristics of those who create them. (Here termed "graph makers" for lack of an agreed upon job title within the industry.) The description should assess the journalists' working assumptions about graphs' communicative ability and the effects visual attraction techniques have on readers' ability to process the underlying statistical information.

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[1] Pamela M. Terrell, "Art: A Presstime Special Report," *Presstime*, February 1989, 20-21.

[2] See Howard Wainer, "How to Display Data Badly," *The American Statistician* 38, no. 2 (May 1984): 137-47.

Previous profiles of journalist have proven to be valuable starting points on the path to understanding how the message creator's attributes may influence the message he/she conveys to the public. McLeod and Hawley's survey of newspaper reporters in 1963 was used to describe levels of professionalism among journalists.[3] In 1971, Johnstone, Slawski and Bowman's national survey painted a detailed sociological portrait of American journalists.[4] Their findings were compared with findings from subsequent studies on smaller, more specific sub-groups of journalist such as newspaper photographers,[5] newspaper reporters,[6] editorial writers,[7] science writers,[8] and newspaper managers.[9]

The Johnstone survey of was replicated in 1986 by Weaver and Wilhoit,[10] and their findings have also been used for comparisons of sub-groups with the profession as a whole.[11] Perhaps because of the relatively recent recognition of graphics as a significant contribution to the editorial content of news publications, those who identified themselves as "artists" or designers" where not included in either the Johnstone or Weaver studies of all journalists.[12]

The primary goal of this study is to partially rectify those oversights by collecting similar baseline information and to identify any differences between graph makers and their fellow newsroom workers.[13] Secondary goals were to verify the apparent increase in graph usage and to develop a broadly-based understanding of how newspaper graph makers rationalize the use of visual attraction devices in their news messages.

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[3] Jack M. McLeod and Searle E. Hawley, Jr., "Professionalization Among Newsman," *Journalism Quarterly* 41, (Autumn 1964) 529-38, 577.

[4] John W.C. Johnstone, Edward J. Slawski, and William W. Bowman, *The News People: A Sociological Portrait of American Journalists and Their Work* (Urbana: University of Illinois Press, 1976).

[5] Beverly M. Bethune, "A Sociological Profile of the Daily Newspaper Photographer," *Journalism Quarterly* 61, (Autumn 1984) 606-614, 743.

[6] Lee B. Becker, Idowu A. Sobowale, and Robin E. Cobbey, "Reporters and Their Professional and Organizational Commitment," *Journalism Quarterly* 56 (Winter 1979) 753-63.

[7] Ernest C. Hynds and Charles H. Martin, "Editorial Writers Tell How They Go About Their Work," Journalism Quarterly 54 (Winter 1977) 776-79.

[8] Michael Ryan and Sharon L. Dunwoody, "Academic and Professional Patterns of Science Writers," Journalism Quarterly 52 (Summer 1975) 239-46, 290.

[9] Christine L. Ogan, Charlene J. Brown, and David H. Weaver, "Characteristics of Managers of Selected U.S. Daily Newspapers," Journalism Quarterly 56 (Winter 1979) 803-09.

[10] David H. Weaver and G. Cleveland Wilhoit, The American Journalist: A Portrait of U.S. News People and Their *Work* (Bloomington: Indiana University Press, 1986).

[11] For example, see Lee Stinnett, ed., *The Changing Face of the Newsroom: A Human Resources Report* (Washington, D.C.: American Society of Newspaper Editors, 1989).

[12] See Weaver, *American Journalist*, 168.

Specifically, the study is guided by the following research questions:

1) What are the basic characteristics of newspaper graph makers?

2) How do graph makers compare to the newsroom as a whole concerning current job tenure, previous job history, age, education, and sex?

3) Do graph makers perceive the proportion of the total news hole devoted to graphs as increasing, decreasing or staying the same over the last ten years?

4) Do graph makers perceive an increasing trend toward the use of visual attraction techniques in graphs over the last decade and what do they perceive as influencing the trend?

5) How do graph makers evaluate the effects of visual attraction techniques on a newspaper graph's ability to communicate accurately?

Methods

A mail survey was made of 390 selected members of the Society of Newspaper Design (SND) who create or edit charts and graphs at daily newspapers in the United States. The survey was sent out in early June and response eligibility ended in early September 1989.

The *Society of Newspaper Design's 1988 Membership Directory* served as the basis of the population of newspaper graph makers. The alphabetical listing provided (in most cases) the member's full name, job title, publication's name, an address, and a phone number.

SND is a broadly based association organized for the purpose of encouraging "high standards of newspaper journalism through design."[14] The professional responsibilities of its members range considerably, and include both those who design page layouts and those who create or edit individual elements on a page (i.e. photographs, text, graphs, and illustrations), as well as those who supervise these people. SND is also quite broadly based geographically. The 1988 directory indicates that of the 2100 members, approximately 20 percent reside in one of 38 different foreign countries.

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[13] Comparison of the present survey with the ASNE sponsored study mentioned earlier is facilitated by identical question wording and the short interval between the two data collection points: ASNE, Spring 1988; graph makers, summer 1989.

[14] *Society of Newspaper Design Membership Directory* (Washington, D.C.: The Newspaper Center, 1988), v.

In light of the narrowly focused group of workers wanted for this survey, the membership list was systematically reduced to a population most likely to consist of those who spend a majority of their workday creating original graphs, editing other's graphs or directly supervising those who do so. Only those members with U.S. addresses, a daily newspaper affiliation (non-student), and a job title including at least one of the following words were surveyed: art, artist, design, designer, graphic(s), illustrator, layout, and make-up. This method yielded 441 names.

Creating a population in such a manner does restrict the generalizability of the findings. First, it is highly doubtful that *all* graph makers in the country are members of the SND (although the society's executive director believes the "large majority" of newspaper people who work with charts and graphs full-time are indeed members.)[15]

Nevertheless, the population drawn here probably comprises a sub-population somewhat more motivated in their professional interests than the average graph maker. Also, selection according to job title wording no doubt misses some graph makers who either chose not to list their title or have a title that provides no indication that they work with charts and graphs.

The survey instrument consisted of a cover letter briefly explaining the purpose of the research and a questionnaire that probed three areas:

1) The background characteristics of the graph makers including age, sex, education, job tenure, and employment history.

2) The role of graphics at the newspaper as reflected in frequency of use of charts and graphs currently and in the recent past, influences on recent usage trends, recent trends concerning the use of visual attraction techniques in graphs and the respondent's assumptions about the effect of such techniques on readers' ability to process graphed information.

3) The graph makers' attitudes toward his job and newspaper's performance.

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[15] Personal telephone conversation with Ray Chattman, executive director, Society of Newspaper Design, July 5, 1989.

The attitudinal questions were previously used in 1971 and 1983 national surveys of journalists.[16] Responses to the demographic questions were compared with results of the 1989 ASNE survey of newspaper.[17] Two pretests were made. One involved reviews by three newspaper graphics professionals and the other actually surveyed a sub-sample of the population (N=12). Several modifications were made as a result of these pretests.

The final version of the survey questionnaire was sent out in early July 1989. Four weeks later, another questionnaire and a modified cover letter was sent to each of the 235 persons who had yet to respond. By the first of September, a total of 270 valid, completed questionnaires had been returned. Fifty one persons on the list had been found ineligible and were removed from the population list, making a subject population of 390 and a total response rate of 69.2 percent.[18]

Findings

The "average" graph maker is a 36-year-old male who has worked at his present newspaper for just over six years and eight months. He has done newspaper graphics for eight years for three different newspapers. He graduated with a college degree in either art or journalism, but did not work for the school newspaper. He is "fairly satisfied" with his present job and in five years hopes to still be working in newspaper graphics, either at his current paper or at another paper.

His present newspaper has a circulation of 232,000 and is doing a "good" job at informing the public in general, but that the graphs in the paper do even better than the rest of the paper. His newspaper prints original, staff-produced graphs about five days a week and edited, wire-supplied graphs about four days a week. These graphs are produced on a Macintosh computer using MacDraw and Adobe Illustrator software. Over the last 10 years or so, the proportion of the total news hole devoted to those graphs has increased, as has the use of visual attraction techniques in the graphs. He says the biggest influence on this trend has been the availability of the Macintosh computer.

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[16] Questions about job satisfaction and newspaper performance were taken directly from Weaver, American Journalist, 174, 175 and 182, which were also used in Johnstone, *News People*.

[17] Stinnett, *The Changing Face*.

[18] The 51 names were ruled ineligible because they or someone at their listed newspaper had indicated they either did not work with charts and graphs, or they no longer worked for any newspaper.

Of course, the field is far more diverse than this statistical average reveals. More detailed description follows which addresses each of the research questions posed at the beginning of the study.

What are the basic characteristics of newspaper graph makers?

The 270 respondents reported 27 different job titles. And although no one listed "graph maker," the variety confirms the utility of the term for this type of research. *This list did not include minor title distinctions such as "assistant," "deputy," "chief," "staff," "newsroom," "editorial," etc.

The most common title was "graphics editor" (23.9 percent of respondents), followed in order by "art director" (17.2 percent), "artist" (12.7 percent), and "graphic artist" (7.8 percent). There was, however, some commonality evidenced by the fact that 93.7 percent of the respondents had at least one of three words in their title: graphic (47.4 percent), art (37.7 percent), design (17.9 percent).

The majority of the respondents (66.8 percent) had worked at at least one other newspaper previously; usually, but not necessarily, in graphics. Of the 178 persons who said they had worked at another newspaper previously, 60.7 percent had worked in graphics, but 24.2 percent had been in photography, 19.7 percent had been word reporters, 18 percent had been staff editors, 17.4 percent had been copy editors, and 11.2 percent had had non-editorial jobs such as in advertising and production.[19]

The average time spent working in newspaper graphics was eight years and one month, though the median was just six years. The average tenure at the respondent's current newspaper was six and one half years, though again, the median was lower at five years.

The fruits of their labor are used in the respondent's newspapers quite frequently on average. A majority indicated that original, staff-produced charts are printed on a daily basis (57.5 percent), as are staff-edited wire-produced charts (56.2 percent), and about the same percentage said their newspaper "never" prints unedited wire-supplied graphs.

Most of the work of creating and editing charts and graphs is done on a computer as opposed to a drawing board or art table. Seventy three percent said that they "rarely" or "never" originate charts on an art table. Only five people said they "always" do their charts on an art table, and three of them indicated that the only reason was that their newspaper had no graphics computer.

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[19] Staff editor refers to someone who makes assignments and oversees personnel for a specific portion of the newspaper (e.g. features editor, sports editor, business editor, etc.) The percentages reported do not add to 100 because a respondent often had had more than one previous job title.

The computer in every case was an Apple Macintosh. One hundred percent of those respondents indicating that their newspaper used a computer to make charts (267 persons) said the computer was a Macintosh, although 23 persons said they used the paper's front-end system for occasional touch-up work. Of the 185 persons specifying the specific model of Macintosh used at their paper, 80.0 percent said they had a Macintosh model II (the most advanced of the three basic models), 33.0 percent had a model SE and 33.5 percent had a Plus model.[20]

The software used to make graphs was also quite uniform. Only five different software packages were used by 10 percent or more of the respondents answering the software question.[21]

The most frequently mentioned was MacDraw (mentioned by 79.6 percent) followed by Adobe Illustrator (54.4 percent), Cricket Graph (49.6 percent), Aldus Freehand (27.6 percent), and Microsoft Chart (10.8 percent). Seven other packages were mentioned, but none of them by more than five percent of respondents.

In addition to questions about the nature of their work and workplace, respondents were asked about how they viewed their job from a personal perspective, and how they evaluated the performance of their newspaper at informing the public. When asked where they would most like to be working in five years, exactly half chose newspaper graphics; 30.7 percent indicated they'd like to stay at their present paper while 19.3 percent said they'd like to change papers. The other half were split almost evenly between the other three options; 16.7 percent said they'd like to continue working in graphics, but in an organization other than a newspaper, 15.2 percent said they'd like to continue working for a newspaper, but in something other than graphics, and 14.8 percent said they'd like to do something other than graphics or newspapers.

When asked "all things considered, how satisfied are you with your present job?," just over half (51.9 percent) indicated they were "fairly satisfied," and nearly a third (29.5 percent) said they were "very satisfied," leaving less than a fifth (18.3 percent) who said they were either "somewhat" or "very" dissatisfied.

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[20] Again, percentages do not add to 100 because many respondents' newspapers had more than one model of computer.

[21] These figures represent all mentions of any version of any of the particular packages. For example, MacDraw here stands for all releases of MacDraw and of MacDrawII.

Respondents were asked two questions about the performance of their newspaper at informing the public. The first asked them to rate their paper "in general" and the second asked specifically about the performance of their newspaper's charts. Both used a five-point scale where one was "poor" and five was "outstanding." The greatest number of respondents rated the paper's general performance as "good" (median = 3.00), and rated the paper's charts as "very good" (median = 4.00).[22]

How do graph makers compare to the newsroom as a whole concerning current job tenure, previous job history, age, education, and sex?

Compared to the 1988 ASNE sample of all newspaper journalists, graph makers on average work for larger circulation newspapers. Approximately 60 percent of graph makers work for newspapers with circulations greater than 100,000, while the sample of all newsroom workers indicates that the majority (54.6 percent) work for papers with circulations of 100,000 or less.[23]

Much of this is due to a large percentage difference at the 0 to 50,000 circulation level which accounts for 33.5 percent of the total newsroom, but only 18.3 percent of the graph makers. (See Table 1)

Table 1 -- Circulation Size of Respondents' Newspapers Compared to the Total Newsroom Sample

Circulation size (in thousands)	Average newsroom workers[a]		Graph makers	
	Number	Percentage	Number	Percentage
0-50	404	33.5	48	18.3
51-100	256	21.1	56	21.4
101-250	285	23.5	80	30.5
251-500	126	10.4	47	17.9
over 500	136	11.3	31	11.8
total	1207	99.8[b]	262	99.9[b]

[a] from 1988 data collected by ASNE

[b] does not total to 100 because of rounding

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[22] Although the means for these two scales are quite similar (3.39 and 3.43 respectively), the rank-order correlation coefficient indicates a significant monotonic relationship between the two variables (Kendall's tau_b=.54, $p<.001$). The interpretation is that the higher one rates his newspaper's general performance, the higher will be his rating of the paper's graphs' performance.

[23] Because of a machine-readable answer sheet used in the ASNE survey, all of the responses in that data set form either nominal or ordinal level scales. Therefore, all categories discussed are as determined in the ASNE study.

The graph makers had spent about the same amount of time at their present newspaper as had the newsroom as a whole. In both samples, approximately 50 percent had been on staff for five years or less. (See Table 2)

Table 2 -- Years Respondents Have Worked at Their Present Newspapers Compared to the Total Newsroom Sample

	Average newsroom workers[a]		Graph makers	
Years on the job	Number	Percentage	Number	Percentage
less than 3	430	35.8	73	27.3
3-5	184	16.2	69	25.8
6-10	276	23.0	70	26.2
11 or more	301	25.0	55	20.6
total	1201	100.0	267	99.9[b]

[a] from 1988 data collected by ASNE

[b] does not total to 100 because of rounding

Although three-quarters of the newsroom as a whole had worked for at least one other paper, just two-thirds of the graph makers had. Examination of only those with previous jobs indicates almost no difference between the two samples, however. The largest group in both cases said they had worked for either two or three other newspapers. (See Table 3)

Table 3 -- Number of Other Newspapers Respondents Worked For Compared to the Total Newsroom Sample

	Average newsroom workers[a]			Graph makers		
	Number	Percentage		Number	Percentage	
		Based on N of			Based on N of	
Number of other Newspapers		(1206)	(911)		(266)	(177)
none	295	24.5	--	89	33.5	--
one	352	29.2	38.6	67	25.2	37.9
2-3	396	32.8	43.5	79	29.7	44.6
4 or more	163	13.5	17.9	31	11.7	17.5
total	1206	100.0	100.0	266	100.1[b]	100.0

[a] from 1988 data collected by ASNE

[b] does not total to 100 because of rounding

Concerning differences in educational background, both groups have approximately the same percentage of persons without college degrees (14.7 for the total newsroom and 18.5 for the graph makers). But among those with degrees, graph makers were considerably more diverse in their major area of study than the total newsroom sample. More than half (58.8 percent) of the graduates in the total newsroom sample had journalism degrees, compared to 39.8 percent of the graph makers. Graph makers were more likely to have received art degrees (44.9 percent) than journalism degrees (37 percent) or any other degree (15.3 percent).[24] (See Table 4)

Table 4 -- Respondents' Major Area of College Study Compared to the Total Newsroom Sample

	Average newsroom workers[a]			Graph makers		
	Number	Percentage Based on N of		Number	Percentage Based on N of	
Number of other Newspapers		(1193)	(1018)		(265)	(216)
no degree	175	14.7	--	49	18.5	--
journalism	599	50.2	58.8	80	30.2	37.0
art	na[c]	na	na	97	36.6	44.9
both art & journalism	na	na	na	6	2.3	2.8
other	419	35.1	41.2	33	12.5	15.3
total	1193	100.0	100.0	265	100.1[b]	100.0

[a] from 1988 data collected by ASNE
[b] does not total to 100 because of rounding
[c] the ASNE questionnaire asked only whether respondent had graduated college and whether he had majored in journalism.

Another important aspect of college education for journalists is experience on the campus newspaper. Two-thirds of the total newsroom sample said they had worked for the school paper (66.3 percent), but less than half of the graph makers said the same (46.2 percent). (See Table 5)

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[24] The percentages of the degrees earned by graph makers do not add to 100 because six respondents reported having both an art and a journalism degree.

Table 5 -- Whether Respondent Worked for His College Newspaper Compared to the Total Newsroom Sample

Worked for a college newspaper	Average newsroom workers[a] Number	Average newsroom workers[a] Percentage	Graph makers Number	Graph makers Percentage
yes	797	66.3	120	46.2
no	405	33.4	140	53.8
total	1202	100.0	260	100.0

[a] from 1988 data collected by ASNE

In both samples the median age category was 31 to 35 years, and the category with the most sizable difference was for ages 18 to 25. This group accounts for 10.5 percent of the total newsroom but only three percent of the graph makers. (See Table 6)

Table 6 -- Median Age of Respondents Compared to the Total Newsroom Sample

Age (in years)	Average newsroom workers[a] Number	Average newsroom workers[a] Percentage	Graph makers Number	Graph makers Percentage
18-25	127	10.5	8	3.0
26-30	227	18.9	57	21.8
31-35	289	24.1	73	27.9
36-40	240	20.0	66	25.2
41-49	182	15.2	43	16.4
50 or more	135	11.2	15	5.7
total	1200	99.9[b]	262	100.0

[a] from 1988 data collected by ASNE

[b] does not total to 100 because of rounding

The final comparison indicates that the percentage of females in the total newsroom sample (34.5 percent) was higher than in the graph maker sample

(29.0 percent). A difference of means test indicates that the apparent difference is statistically significant at the 95 percent probability level.[25] (See Table 7)

Table 7 -- Sex of Respondents Compared to the Total Newsroom Sample

	Average newsroom workers[a]		Graph makers	
Sex	Number	Percentage	Number	Percentage
female	325	34.5	76	29.0
male	668	65.5	186	71.0
total	993	99.9[b]	262	100.0

[a] from 1988 data collected by ASNE
[b] does not total to 100 because of rounding

Do graph makers perceive the proportion of the total news hole devoted to graphs as increasing, decreasing or staying the same over the last ten years?

This relatively straightforward question was put to the sampled graph makers in two related questions. The first asked "Over the last 10 years, has the proportion of the news hole devoted to charts at your present newspaper increased, decreased or stayed the same?" and instructed them to guess if they were unsure. Then they were asked, "Why is that so?"

A huge majority of the respondents (93 percent) said that graphs' proportion of the news hole had increased. Three percent said it had decreased and 3.8 percent said it had stayed the same. And 86.7 percent of the total sample listed at least one reason they thought was responsible for the increase. All responses to this open-ended question were content analyzed by the author who found 39 different reasons.[26]

Of those who viewed the trend as increasing, the most often mentioned reason (by 18.4 percent) for the increase was the graphs' inherent ability to display information concisely in a format that is easy to read. "Charts can make statistics easy to read in a way that a page of words can't match," according to a 32-year-old artist from a 250,000 circulation paper. They "provide (a reader with) almost immediate information without necessarily having to read a lot of words. And that 'quick bite' of information is often enough to get them into the rest of the story," suggests a 26-year-old designer at a 300,000 circulation paper. A 38-year-old graphics editor summed it up briefly, "More information can be given quickly to the reader in less space."

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[25] Responses were scored female=0, male=1, so that a mean of .5 would represent a 50-50 split. A one tail Student's t-test was made where t=1.73, df=1280, p< .05.

[26] A second coder analyzed the responses on 24 (10 percent of the 234 respondents who offered a reason) randomly selected surveys as a check on coder reliability. A coefficient of 86.1 percent agreement was obtained using Holsti's formula. See O. Holsti, *Content Analysis for the Social Sciences and Humanities* (Reading, Mass.:Addison-Wesley, 1969): 139-42.

The second most frequent reason (16.7 percent) cited was the advent of the Macintosh computer which permits artists to create and electronically receive complex graphs on a daily basis in time for tight deadlines. According to a 28-year-old computer graphics specialist, "the introduction of the Macintosh computer has made the production (of graphs) much easier, quicker, and more accurate. Creating charts by hand was tedious to say the least." "The Macintosh has made it easier for small staffs with limited resources to produce quality charts on deadline," said a graphics editor on a 60,000 circulation paper. And a 25-year-old artist suggested that, "with the Macintosh, graphics can be easily altered, edited, and updated right up to deadline."

The third most frequent reason (13.2 percent) had to do with the increasing visual sophistication of society, mentioning specifically either the art staff, the editors, the newsroom in general or the readers. A 37-year-old graphic artist at a 250,000 circulation paper suggested the increased use of graphs would not have happened without the "increased understanding in the newsroom of the value and usefulness of charts and of the visual sophistication of modern readers."

The forth most mentioned reason (12.8 percent) referred to a "trend" sweeping through newspapers lately, often attributed to the arrival of *USA Today* with its extensive use of graphs, diagrams, and graphics. Perhaps displaying a bit of youth's emotion, a 22-year-old designer said simply, "It's trendy. We like it!"

The only other reason cited by more than 10 percent of respondents concerned certain overall page design considerations. Graphs play an important role in "giving the paper a more graphic, visually exciting look through the use of graphs, illustrations, and color photographs."

Other reasons mentioned by at least five percent of the respondents were (in order of frequency): upper management decision, editor's decision, and competition for reader attention with TV and other media.

Do graph makers perceive an increasing trend toward the use of visual attraction techniques in graphs over the last decade and what do they perceive as influencing the trend?

Respondents were asked to judge the truth of a statement suggesting that the use of visual attraction techniques by newspaper graph makers has increased since the late 1970s as it applied to their present newspaper. If they agreed that such a trend existed, they were then to rate the possible influence of eight specific items on a five-point scale ranging from "very influential" to "no influence." The highest influence rating was scored a four and the lowest was scored a zero to create an ordinal scale providing meaningful summary statistics.

Nearly nine of ten (88.7 percent) respondents indicated that, at their newspapers, the use of the visual attraction techniques mentioned had indeed increased during the last decade, while 8.6 percent said such was not the case and 2.6 percent were not sure.

The rating scale for the influence of the Macintosh computer had the highest mean for any of the eight resultant scales (mean=3.69) and the smallest standard deviation (standard deviation=0.96), followed in order according to mean by the availability of color printing, competition with *USA Today*, reader demand for brevity, competition with television and magazines, the availability of better quality printing, reader demand for visual excitement, and competition with a nearby newspaper. (See Table 8)

Table 8 -- Group Means and Standard Deviations for Respondent Ratings of Items Influencing the Use of Visual Attraction Techniques.

Influence	mean[a]	standard deviation	n of cases
availability of:			
the Macintosh	3.69	0.76	(264)
color printing	2.87	1.28	(263)
better quality printing	2.55	1.37	(262)
competition with:			
USA Today	2.86	1.28	(263)
TV and magazines	2.55	1.27	(262)
a nearby newspaper	1.92	1.47	(264)
reader demand for:			
brevity	2.81	1.12	(262)
visual excitement	2.16	0.93	(260)

[a] Each scale ranged from 0 "no influence" to 4 "very influential."

How do graph makers evaluate the effects of visual attraction techniques on a newspaper graph's ability to communicate accurately?

The answer to this question is based almost entirely on an open-ended question that contrasted statements by Nigel Holmes and Edward Tufte, and then asked the respondent to write down his thoughts on the relationship between attention-getting techniques and reading accuracy.[27] Because of the variety of response, the analysis lends itself to a more quantitative approach than has been used above.

More than 80 percent (217) of the respondents wrote at least a sentence of explanation, and over half (159) wrote 50 words or more. Many attached an additional sheet of text or some other sort of supportive material such as an article, a quotation or a graph.

Several respondents displayed considerable familiarity with Tufte's work, and many more made reference to that of Holmes. A few pointed to a distinction between the two concerning the nature of their respective audiences, noting that Tufte directs himself primarily to scientists who rely on graphs to analyze complex data, while Holmes worked for a weekly news magazine where viewers generally "browse" through the pages at their leisure. According to an assistant managing editor for graphics at a 500,000 circulation paper, "Both Tufte and Holmes are at polar extremes in the statements. Tufte's viewpoint can lead to statistically correct, but boring charts. Holmes' to visually dynamic, but often confusing graphics. My opinion lies in the vast middle area between."

Indeed, most opinion seemed to fall somewhere in that vast middle area. The word most often used to describe the relationship between attention-getting techniques and the ability of a chart to communicate accurately was "balance." The general conclusion was that one must strike a balance between the extreme position attributed to Tufte in the question (that illustration serves *only* as distraction) and the actual practice of the early disciples of Holmes (who were credited with overwhelming the data with illustration). That balance rests at a point where the reader is initially attracted to the information display by some prominent icon, symbol or technique, but is then held there by the clarity and succinctness of the statistical data displayed.

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[27] The question was "In his book, *The Visual Display of Quantitative Data*, Edward Tufte suggests that, as much as possible, the ink used to print a chart should be devoted to showing the data and not to something else. He argues that as the amount of ink used for non-data items increases, the ability of the chart to communicate accurately decreases. However, in *Designers Guide to Creating Charts and Diagrams*, Nigel Holmes suggests the incorporation of relevant illustrations, drawings and visual elements into the chart serves to increase viewer attention and thereby increases a chart's ability to communicate effectively. Please, tell me more specifically what you think the relationship is between attention-getting techniques and the ability of a chart to communicate accurately."

A 30-year-old graphics editor summed it up quite succinctly in just seven words: "Art elements get attention. Numbers hold it." Many pointed out that if the reader's attention is not gotten, no communication can occur at all. An art director listed three things his charts are supposed to get the reader to do: "1. Look at the chart, 2. Understand it, 3. See how it relates to the rest of the story. If I don't get them past number one, then numbers two and three don't matter." And some type of illustration or enhancement of the graph was generally viewed as an effective way to get readers to look because "the reader's eye is more likely to be attracted by an image than by a row of numbers." In fact, many maintained that in the best charts, the visual enhancements do more than just attract attention, they actually communicate an element of context and relevance and can "both subliminally and consciously signal the reader as to content and theme" much the way a textual headline signals a reader to the content of a written story.

One respondent brought up a more fundamental question, suggesting a flaw in what was taken as given by others -- whether the attention-getting techniques even attract attention in the first place. "Perhaps cartoons do grab attention, but it would be dangerous to assume that the information in the chart is getting equal attention. Is it good, productive attention or just a dizzying mishmash?"

But while most respondents awarded a role to the attention-getting techniques, nearly all expressed caution concerning their use. "Attention-getting is important to catch the reader's interest . . . but the statistics are the information and they shouldn't be obscured by the visual "window dressing," noted one graphics director. And a 47-year-old art director maintained that "attention-getting devices can cheat the reader. You can't scream 'read me' and then give your reader fluff. You must deliver pertinent information." "It should be information first, enhancement second. It should apply visually that when you've made your point, you stop talking." said a 26-year-old design coordinator.

Although nearly all respondents suggested there was a threshold level at which attention-getting techniques begin to distract from the data, no one proposed a hard and fast rule for where that level lies. "There is a fine line between attention-getting and a mess," according to one designer. Instead, many respondents pointed out certain conditions that influence the extent to which attention-getting techniques are used. These generally fell into two broad areas -- type of story content and complexity of the data to be displayed. Basically, as the critical importance of the data to the reader increases, the appropriateness of elaboration decreases.

One art director explained it in this way; "A chart on a business page that contains information a reader might use for investing purposes must be completely accurate and generally unobscured by illustration. But a chart on a feature page might contain information which is slightly obscured by illustration for the sake of attracting attention." In one case the reader is purposefully seeking out the information, in the other he is just "scanning," looking for something interesting.

Many of the respondents said the use of attraction-getting devices at all was partly due to the specific character of the newspaper readership, which was generally described as highly visual, pressed for time and somewhat less literate (or at least less disposed to reading) than is the audience for news magazines or books.

"People are more visually sophisticated. They expect fancier, illustrative graphics. They've grown up with TV and now we compete with TV for their attention," according to one designer. A 27-year-old-artist at a million plus circulation paper said his paper "considers graphics an 'ace-in-the-hole' since TV and radio simply cannot present statistical information like a newspaper can." Others noted that readers can peruse and study graphs at their own pace, and that charts are often clipped and used as evidence by businessmen and politicians making points at public meetings. "With the broad-based readership of a newspaper, we must be aware of our audience's needs, time constraints, and educational level. It's obviously more fun to be entertained while being educated . . . so why not be creative visually, so long as the facts remain intact," said a 56-year-old graphics director. And a graphic artists said the statistics must "be palatable to a person who leads a busy life and may have only a short time for the paper." "Graphics are perfect for the reader who wants a 'quick infobite' and doesn't have time to read lots of text."

A number of respondents suggested that experience over the past few years has recently lead to a rethinking of the relationship between attraction-getting techniques and graph accuracy, and therefore whether there might not be a limit to how much graph makers should enhance graphs, regardless of story type or data complexity. Much of this rethinking has revolved around the style of *USA Today*, which is credited with leading a sort of "bandwagon" trend toward ever more highly illustrative graphs. Many graph makers now feel the trend is moving back the other way toward simpler, less adorned charts, largely because the novelty has now be come a nuisance.

"I personally am tired of seeing animal fangs turned into bar charts, or cartoon Arabs draped over oil barrels in a fever chart. I don't want to sift through all the fluff to get to the information and I don't think the average reader does either," said a 32-year-old artist at a 100,000 circulation paper. "*USA*

Today created a product for its particular perception of a newspaper consumer. Unfortunately, most designers felt obliged to follow suit. I hope designers will now begin to concentrate on their own conception of a newspaper . . . and get away from the 'cereal box' approach," said a 53-year-old art director.

This move toward moderation was not universally shared, however.. "You've always got to remember," said one designer, "The public (today) was raised on comic books and pictures and TV and fast 30-second commercials, and to gain their attention, newspapers have to resort to lots of informational pizzazz."

In way of summary then, the responses indicate general agreement that a certain level of attention-getting technique in charts and graphs is useful given the visual acuity of today's reader. But the trend toward heavily illustrated graphs is now being reversed, and graph makers are trying to simplify their charts and concentrate on factual presentation of the data. Nearly all maintain that there is a balance point for every graph where enough visual enhancement is present to entice the somewhat reluctant reader into a graph, but not so much illustration that the reader must struggle through a lot of extraneous material to get to the data. The establishment of such balance points is made on the basis of experience, both by the individual graph maker and by the design community as a whole.

Discussion

Charts and graphs and even the more complex "infographics" are playing an increasingly important role in delivering the news to American readers of newspapers. Graphs occupy an increasing proportion of the editorial space in both large and small newspapers. These "graph makers" believe that by their very nature, graphs attract the wandering eye. They describe graphs as almost magical in their ability to transform dry, cold, and lifeless statistics into vibrant, dynamic, and forceful visual displays which can grab and hold the interest of an otherwise disinterested reader. Indeed, they describe graphs as almost flawless -- able to convey a complex news messages concisely and completely, and still add visual excitement and attraction to the design of the page. Beyond content and design considerations, they recognize two imperative precursors to the recent "explosion" in the use of graphs: the invention of the Macintosh computer and the sales success of *USA Today*, the latter having convinced management that more staff resources should be dedicated to their production.

Although neither graphs nor graph makers are completely new to newspapers,[28] graphs' newfound prevalence does suggest that their makers' influence on news content may also be increasing. Therefore, researchers may want to consider the opinions and background characteristics when analyzing the content and effect of news messages. The findings of this study suggest two distinctive characteristics of graph makers' when compared to the rest of the newsroom: they are less likely to have formal education in journalism and are more likely to be men. This finding is especially intriguing because, for the newsroom as a whole, the trends over the last two decades suggest an increasing proportion of journalism majors and of women.[29]

Because this is the first national survey to single out graph makers, the exact trends among just this sub-group are impossible to establish. But the comparative differences do suggest that graph makers may be socialized into the newsroom in a somewhat different manner from "typical" newspaper journalists, and this notion seems worthy of additional research attention.

The other intriguing finding concerns the respondents' characterizations of the relationship between the use of "visual attraction techniques" and a reader's ability to comprehend the message accurately. The fundamental suggestion was that newspaper graphs differed from scientific and technical graphs because of the nature of their audiences. The graph makers assume that contemporary audiences are considerably different from those of the past, and that television has been the primary change agent. They reason that, because readers were raised on television, artistic enhancements are now needed to attract their attention to a newspaper story. They further assume that, if not overdone, these techniques actually serve to improve reader comprehension.

Future research would do well to test the validity of these assumptions. Are readers more willing to read "visually exciting" newspapers than those still following the "gray" habits of the recent past? And do the various visual attraction techniques actually attract attention to the statistical message of the graph or to something else?

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[28] See Walter E. Weld, *Principles of Charting* (New York: Barron's, The National Financial Weekly, 1939), especially the preface and introduction, for a brief contemporary account of the use of graphs in news publications during the economic downturn of the 1930s.

[29] See Stinnett, *The Changing Face*, 28-32, for a description of these trends as measured by the 1971 study by Johnstone, et.al., the 1986 Weaver and Wilhoit study and the 1989 ASNE study.

Any answers additional research can contribute to these questions are, hopefully, better placed in context by the descriptions of attitudes and assumptions measured in this study.

THE CHILLING EFFECT OF LIBEL ON NEWSPAPER EDITORS

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THE CHILLING EFFECT OF LIBEL ON NEWSPAPER EDITORS

"The ultimate way to avoid the risk is not to write the story," Floyd Abrams, noted libel defense attorney, told a New York Times reporter.[1] Abrams was speaking of self-censorship by the media in the face of the increasing numbers of libel suits and mounting amounts of legal fees and damage awards during the mid-1980s.

Judge Lois G. Forer, in her 1987 book about the chilling effect of libel,[2] asserts that civil libel actions present more serious threats to free expression than government-imposed limits on expression because of their "insidious effect upon our access to news, information and entertainment."[3]

"This chilling effect is both dangerous and contrary to our First Amendment rights,"[4] Forer wrote.

In their research on the motivations of libel plaintiffs, Professor Randall P. Bezanson and his colleagues at the University of Iowa found that the desire for monetary damages seems rarely to be the reason for suing; rather most plaintiffs sue to correct the record and to get even.[5] Indeed, few libel plaintiffs ultimately win suits against the media,[6] but where damages have been awarded, their averages far exceed those in medical malpractice and product liability cases, according to figures from the Libel Defense Resource Center.[7]

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[1] New York Times, Feb. 8, 1985, p. E4.

[2] A Chilling Effect: The Mounting Threat of Libel and Invasion of Privacy Actions to the First Amendment (New York: W. W. Norton & Company).

[3] Ibid., 29.

[4] Ibid., 28.

[5] "Libel Law and the Realities of Litigation: Setting the Record Straight," Iowa Law Review, 71:227 (October 1985).

The largest ten damage verdicts as of January 1984 ranged from $1.3 million to $37 million.[8] Some of those "top ten" awards were reduced either by the trial judge or an appellate court, and some were overturned on appeal.

Because of the complex fault questions to be deliberated in libel actions since New York Times v. Sullivan,[9] damage awards are generally not the most costly part of a libel suit; defense costs are. Henry Kaufman from the Libel Defense Resource Center says that about 80 percent of the money spent in libel litigation is for defense costs.[10] The American Society of Newspaper Editors, as of 1986, placed the average cost of defending a libel suit at $95,000, and some insurers say it averages closer to $150,000.[11]

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[6] The Iowa Libel Research Project found that plaintiffs win only 10 percent of the cases after appeals. Randall P. Bezanson, Gilbert Cranberg, John Soloski, "Libel and the Press: Setting the Record Straight," 1985 Silha Lecture, University of Minnesota, May 15, 1985.

[7] The Cost of Libel: Economic and Policy Implications, A Conference Report, The Gannett Center for Media Studies, 1986, 3.

[8] List compiled by the Washington Post, reported in Forer, op. cit., 107.

[9] 376 U.S. 254 (1964).

[10] The Cost of Libel, 3.

[11] Ibid.

As though these figures weren't frightening enough, some newspapers have found themselves facing libel costs without the protection of libel insurance because some insurance companies have ceased writing such policies or have increased premiums and deductibles. The impact of curtailed insurance coverage is particularly acute for small papers. A participant at the 1986 Gannett Center conference on libel costs speculated that small papers may be inclined to drop insurance and avoid printing anything that could possibly precipitate a libel suit.

Such speculation has become fact at the Alton, Illinois, Telegraph, where in the wake of a $1.5 million damage award (reduced from the $9.2 million jury award) and more than $600,000 defense costs, the editor acknowledges that the paper now avoids controversy and does less investigative reporting. "All the ideals and principles in the world don't mean a damn when it comes down to hard economics," he said.

"Let someone else stick their neck out this time," the Telegraph editor was quoted as saying in explaining why the paper would not act on a news tip about alleged misconduct in local government.[12]

One of the authors of this paper knows first hand about the impact of libel and the energy-draining emotional costs that accompany the monetary expenses of defending against suits. Homer Marcum started a weekly newspaper in Inez, Kentucky, in 1975, and within a year he had been sued for libel four times.

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[12] Curley, J. "How libel suit sapped the crusading spirit of a small newspaper," Wall Street Journal (September 29, 1983) 1, 20.

All four actions were brought by the the county attorney, who also published the competing weekly newspaper in Inez. By the time Marcum sold the paper in December 1988, he had faced seven libel suits, six filed by the same competing publisher/attorney. The seventh suit was filed by the county's prosecuting attorney, who was a former law partner of the plaintiff in the earlier six libel suits.

Not one of the seven suits against Marcum was successful. Four were dismissed, Marcum's motion for summary judgment was granted in two instances, and he won the only suit that went to trial. Marcum countersued in two of the suits, winning attorney's fees, court costs and punitive damages in one of his countersuits and receiving money in an out-of-court settlement in the second.

The courtroom battles during the 13 years that he owned the paper took its toll on Marcum. "I'm litigation-weary," he told a Columbia Journalism Review writer in 1985, adding that he estimated that he had spent an average of one day a week on court-related matters. "I'm not as aggressive as I used to be. When I write, I second-guess myself so much that the words themselves come to seem criminal."[13]

Testifying before the U. S. House Subcommittee on Civil and Constitutional Rights in 1986, Marcum said: "Now I am more cautious with the printed word. I do not believe that courts have anything good to offer newspaper publishers either on offense or defense. Now I let stories pass that I otherwise would have investigated, not for the fear that what I write will be wrong and worthy of a libel action, but out of the fear that what I say just might get me sued anyway.[14]

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[13] Massing, M. "The Libel Chill: How Cold Is It Out There?" Columbia Journalism Review (May/June 1985), 31-43.

At least three earlier empirical studies of the chilling effect have been conducted with differing results. Labunski and Pavlik's study[15] of people attending an Investigative Reporters and Editors workshop in 1983 found that a majority of respondents expressed concern about being sued for libel and said that this concern had led their news organizations to avoid some news stories. On the other hand, a 1981 study of 103 newspaper managing editors found that more than four-fifths of the respondents disagreed that they had become "less aggressive" when making decisions about publishing potentially libelous material, but nearly three-fourths of them admitted they were "increasingly careful" about editing such stories.[16]

In a more recent study of the chilling effect, Hansen and Moore concluded that Kentucky newspapers of less than 50,000 circulation are chilled by libel and that the effect is greatest for smaller, locally owned newspapers and for those that have been threatened with a libel suit.[17]

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[14] Hearing on Oversight of Current American Libel Law and Alternatives," U.S. House of Representatives, Subcommittee on Civil and Constitutional Rights, Committee on the Judiciary, Washington, D.C. (Feb. 26, 1986), 51.

[15] Labunski, R.E. and Pavlik, J.V., "The Legal Environment of Investigative Reporters: A Pilot Study," Newspaper Research Journal 6:13-19 (1985).

[16] Anderson, D.A. and Murdock M. "Effects of Communication Law Decisions on Daily Newspaper Editors," Journalism Quarterly, 58:525-528, 534 (Winter 1981).

The primary purpose of this research was to determine whether fear of libel suits has a chilling effect on the work of Tennessee editors, and, if so, what factors contribute to this fear of libel. In addition, the study sought descriptive data about the experiences and attitudes of newspaper editors concerning libel, pre-publication review of copy by attorneys, and libel insurance. Another purpose was to compare the findings of this study with those of Hansen and Moore in their study of Kentucky editors.

Method

A 44-item questionnaire was mailed in October 1989 to all 134 Tennessee newspapers listed in the Tennessee Press Association Directory, along with a cover letter and self-addressed return envelope. The cover letter directed that the questionnaire should be completed by the person most directly responsible for the news operation of the paper. Respondents were guaranteed anonymity. Two weeks later a follow-up postcard was mailed.

Except for the addition of three items concerning the use of attorneys for pre-publication review and the libel hotline operated by the Reporters Committee for Freedom of the Press, the survey instrument used in this study was identical to that designed by Hansen and Moore in their study of Kentucky papers.

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[17] Hansen, E.K. and Moore, R.L., "Chilling the Messenger: The Impact of Libel on Community Newspapers," Paper presented to the Law Division of the Association for Education in Journalism and Mass Communication Annual Convention, Washington, D.C., 1989.

Hansen and Moore developed a series of 11 questions designed to indicate the presence of a chilling effect or "fear factor." Respondents were asked to indicate their opinion about each of eleven statements on a five-point Likert scale ranging from strongly agree to strongly disagree. Except for four items that were reverse scored, a strongly agree response (indicative of chilling effect) was scored five and a strongly disagree response was scored one. Item analysis by the Kentucky researchers determined that eight of the eleven items significantly distinguished between respondents scoring in the top and bottom quartiles of total scores. These eight items became the chilling scale:

1. For most newspapers the size of mine, the possibility of being sued for libel is a daily concern.

2. Newspapers the size of mine sometimes withhold accurate, important stories because of fear they will be sued for libel if the story is published.

3. Newspapers are more careful in handling a story about someone who has threatened in the past to sue for libel.

4. Newspapers are more careful in handling a story about someone who has sued them in the past for libel.

5. In general, newspapers the size of mine can be less concerned today about libel suits than they were five years ago. (reverse scored)

6. The possibility of being sued for libel has a "chilling effect" on a newspaper the size of mine.

7. Most newspapers the size of mine have never been sued for libel.(reverse scored)

8. Most newspapers the size of mine have never been threatened with a libel suit.(reverse scored)

The other three items that indicated the presence or absence of a chill were as follows:

9. If a newspaper were ready to run a story and someone mentioned in the story threatened to sue for libel, the newspaper should go ahead and publish the story if it is accurate. (reverse scored)

10. If a newspaper is threatened with a libel suit over a story that is accurate, it should print a retraction anyway just to be on the safe side.

11. Most libel suits are filed primarily to harass newspapers.

In these three statements, respondents were asked to indicate their attitude about libel insurance:

1. Libel insurance is a necessity for newspapers today.

2. For most newspapers the size of mine, libel insurance is too difficult to obtain.

3. For most newspapers the size of mine, libel insurance is too expensive.

Attitudes about libel in general were measured by these items:

1. For most newspapers the size of mine, defending a libel suit is an unfair financial burden.

2. If a newspaper is unsuccessfully sued for libel, it should file a countersuit to recover legal fees.

3. Most people who threaten to sue for libel would be satisfied by a retraction or apology by the newspaper.

In addition to items that indicated the presence of a chilling effect, the questionnaire asked for demographic information about the respondent and the newspaper, whether the paper owned libel insurance, how many times it had been sued or threatened with a suit for libel during the past five years and the outcome of litigation. The survey also elicited information about the respondent's efforts to learn about libel, such as attendance at seminars, use of hotline services or attorneys.

For each respondent, a mean was calculated for answers to the eleven Likert-scale items concerning the chilling effect or fear factor. Two sample t-tests were used to compare the fear factor with four other variables: libel insurance coverage, ownership of the newspaper (local/ regional or national group), frequency of publication (weekly/daily) and whether the paper had been sued for libel during the previous five years.

In addition, Pearson correlation coefficients were run on the data, using the SAS computer program. Each individual chill item and the total score on the eight items composing the chill scale were treated as dependent variables. Independent variables were circulation, frequency of publication, ownership, respondent's years with the newspaper, threat of a libel suit, libel suit filed against paper, use of Tennessee Press Association for advice, consultation with private attorneys about stories, use of the Reporters Committee for Freedom of the Press hotline, and attendance at libel seminars.

Results

By November 1, 61 questionnaires had been returned, a 45.5 percent response rate. One other questionnaire was returned too late to be included in the analysis. Questionnaires were returned by representatives from 47 weekly newspapers (77 percent of the total respondents) and 14 dailies. All respondents indicated that they were either the editor, publisher or both of their respective papers. Three-fourths of the respondents were from papers owned by local interests, either local individuals, families or corporations, and 25 percent were owned by either regional or national media groups.

Circulations of newspapers responding to the survey ranged from 636 to 230,000. A circulation of fewer than 18,000 was reported by 88 percent of the respondents, with the remaining 12 percent of papers in the 40,000 to 230,000 range. Only two papers were larger than 57,000. Thus, this study pertains primarily to small, community newspapers.

Twelve respondents (19.7 percent), seven from weeklies and five from dailies, reported that their newspapers had been sued at least once during the past five years. Those 12 editors reported a total of 16 libel suits. One newspaper lost a case and three papers agreed to out-of-court settlements. The remaining 12 cases were dismissed or won by the defendant newspapers.

The average paid to plaintiffs in those four cases was $5,750. Respondents who had been sued reported that their newspapers spent an average $9,125 in legal fees to defend against libel suits.

Slightly more than two-thirds (67.2 percent) of the editors reported that their papers had been threatened with libel suits. A total of 162 such threats had been made during the previous five years. Sixty-six percent of the weekly papers and 71 percent of the dailies reported threats of libel suits. Of those, the average number of threats was higher for weeklies (4.37 per paper) than for dailies (3.88 per paper).

Concern about libel among news managers in Tennessee also is evident in the number of respondents (50.8 percent of total, 78.5 percent from daily papers) who reported attending seminars or workshops on the subject and who said their paper had sought pre-publication review by an attorney (63.9 percent) at least once during the previous five years. A minority reported that they had sought advice from the state press association (31.1 percent) or the Reporters Committee for Freedom of the Press (11.7 percent).

Most editors or publishers who had stories reviewed by an attorney reported that they had been advised to publish the story as written or with minor editing. Attorneys had advised substantial revisions in only four instances, respondents said.

The mean for the chilling effect scale for all papers was 3.44 (s.d. = .53) with 5.0 representing the greatest chilling effect. Respondents from daily papers scored higher (mean = 3.66) than those from weekly papers (mean = 3.38).

Results of the t-tests revealed a statistically significant difference between weekly and daily newspapers in terms of their responses to all eleven fear factor survey items (p = .005) with respondents from dailies scoring higher, that is, expressing more fear of libel litigation, than weeklies.

No significant difference was found between the fear factors of respondents from newspapers with or without libel insurance or those owned by local interests rather than regional or national groups. Respondents who had been involved in libel litigation during the past five years did not give significantly different responses than those who had not been sued.

While neither t-test nor correlation analysis revealed significant differences between papers that had been sued and those that had not, correlation analysis showed that respondents showed greater fear of libel if they had been threatened with a libel suit during the past five years ($r = .32$, $p <.05$). The same results were found in the Hansen and Moore Kentucky study.

The only other variable that correlated significantly with the chilling effect scale was the use of a private attorney for pre-publication review ($r = .33$, $p <.05$). This variable was not reported in the Kentucky study, which found significant correlations between the chill scale and attendance at libel seminars and libel insurance coverage. In this study of Tennessee papers, editors whose papers were insured against libel were more likely than editors at uninsured papers to consult an attorney for pre-publication review ($X^2 = 4.16$, $df = 1$, $p = .04$). The correlation between the chill scale and attendance at seminars just missed significance ($r = .24$, $p <.07$), and there was no significant correlation between being insured and total score on the chilling effect scale.

Frequency of publication, weekly or daily, was the independent variable that most often correlated significantly with individual chilling effect items. The correlation between frequency and the chilling effect scale was no statistically significant ($r = .23$, $p < .07$), but frequency was significantly correlated with these statements:

> For most newspapers the size of mine, the possibility of being sued for libel is a daily concern;
>
> Most newspapers the size of mine have never been sued for libel (reverse scored);
>
> If a newspaper were ready to run a story and someone mentioned in the story threatened to sue for libel, the newspaper should go ahead and publish the story if it is accurate (reverse scored).

Table 1 reports the correlation coefficients, means and standard deviations for variables that had statistically significant correlations.

Frequency of publication had a significant negative correlation with these statements:

> For most newspapers the size of mine, defending a libel suit is an unfair financial burden;
>
> For most newspapers the size of mine, libel insurance is too expensive.

The individual chill item that significantly correlated with the greatest number of independent variables was the statement: For most newspapers the size of mine, defending a libel suit is an unfair financial burden. It correlated negatively with having been sued for libel during the past five years ($p <.05$), ownership ($p <.02$), attendance at seminars ($p <.05$), pre-publication consultation with an attorney ($p <.05$) and frequency of publication ($p <.01$).

TABLE I: CORRELATIONS OF CHILLING EFFECT AND ATTITUDE VARIABLE WITH INDEPENDENT VARIABLES

	THREAT	SUED	CIRCU-LATION	WHO OWNS	INSURED	USE PRESS ASSOC.	ATTEND SEMINARS	PRE-PUB REVIEW[a]	YEARS AT PAPER	WEEKLY/ DAILY[a]	X	STD. DEV.
Chilling Effect Scale	.32[1] K	.12	.09	-.05	.08 K	-.13	.24 K	.33[1]	-.06	.23	3.44	.53
Possibility of Being Sued for Libel is a Daily Concern	.19	.05	.06	.19	.03	-.13	.08 K	.25	.19	.28[1]	3.26	1.29
Withhold Accurate Stories for Fear of Libel Suit	-.03	.03	-.26	-.01	-.003	-.04	.00	.02	-.14	-.15	2.52	1.11
More Careful with Story About Person Who Has Threatened to Sue	.21	.05	.21	-.04	-.04	-.12	.20	.16	-.004	.24	3.52	1.13
More Careful with Story About Person Who Has Sued	.20	-.04	.30	.07	-.07	-.15	.11	.08	-.05	.21	3.75	.99
Less Concerned About Libel Today Than 5 Years Ago (reverse scored)	.15	.04	-.06 K	-.14	.04	-.08 K	.17	.19	-.09 K	.17	4.02	.88
Possibility of Suit Has Chilling Effect	.16	-.002	-.28[2] K	-.15	.01	.13	.12	.29[1]	-.002	-.17	3.31	1.19
Papers My Size Never Sued for Libel (reverse scored)	.18 K	.36[2]	.48[3]	.14	.18	-.16	.32[1]	.09	.04 K	.51[4]	2.92	.99
Papers My Size Never Threatened with Libel (reverse scored)	.47[2] K	.08	.20	-.09	-.12 K	-.02	.20	.28	-.07	.21	4.20	.85
Publish Story Despite Threat (reverse scored)[a]	-.13 K	-.04	.19	.02	-.10	-.27[1]	.14	.08	-.02	.35[3]	1.43	.53
Publish Retraction for Accurate Story if Threatened	.17	.05	-.05	-.21	-.21	-.17	.12 K	-.04	.07	-.11	1.67	1.07
Most Libel Suits Are Primarily to Harass[a]	.19	.02	-.03	-.15	-.29[1]	.14	.07	.05	.14	-.06	3.34	1.12
Insurance Necessary	.36[3]	.20	-.16	-.07	.44[3] K	.15 K	.18 K	.21	-.10	.15	4.13	.94
Insurance Too Hard To Obtain	-.07	-.05	-.23	-.09	-.37[2] K	.08 K	-.25	-.21	-.12	-.36[3]	2.80	1.18
Insurance Too Expensive	-.13	.23	-.38[3] K	-.27[1] K	-.16 K	.07	-.12	-.21	.07	-.44[4]	3.60	1.19
Libel Unfair Financial Burden	-.04	-.30[1]	-.52[4]	-.14 K	-.25	.31	-.31[1]	-.30[1]	.01	-.54[4]	4.17	.98
Should File Countersuit[a]	.42[4]	-.12	.12	-.20	-.06	.29[1]	.00	.26[1]	.006	-.04	4.06	.94
Retraction Would Satisfy Most Threats[a]	.01	-.26[1]	.01	-.05	.08	.05	.11	.04	-.10	-.04	3.60	.73
X	1.66[b]	1.21[b]	15.373	1.26[c]	1.68[b]	1.31[b]	1.50[b]	1.80[b]	4.85[e]	1.23[d]		
Standard Deviation	.48	.41	33.687	.44	.65	.47	.48	.79	1.79	.42		

1 = p .05; 2 = p .02; 3 = p .01; 4 = p .001

K = significant correlation in the Kentucky Study

a: variable not reported in Kentucky Study

b: 1 = No; 2 = Yes

c: 1 = individual, family, local corporation; 2 = regional or national group

d: 1 = weekly; 2 = daily

e: 1 = 1 yr.; 2 = 2-3 yrs.; 3 = 4-5 yrs.; 4 = 6-10 yrs.; 5 = 11-15 yrs.; 6 = 16-20 yrs; 7 = more than 20 yrs.

Editors from weekly and daily papers had sharply differing opinions about whether defending a libel suit is an unfair financial burden. Of weekly respondents, 95.6 percent either strongly agreed or agreed with the statement, while 42.8 percent of the daily respondents said they disagreed. This difference might be explained by the fact that dailies are more likely than weeklies to be insured against libel. Crosstabulation of frequency of publication and insurance ownership revealed a statistically significant difference ($X^2 = 4.125$, df = 1, $p = .042$).

Barely one half of the weeklies (53 percent) and almost four-fifths of the daily papers (78.6 percent) own libel insurance, a total of 61 percent of all respondents. The opinion that libel insurance is too expensive for newspapers (of the respondent's size) had significant negative correlations with circulation ($p < .01$), ownership ($p < .05$), and frequency ($p < .001$).

Both the Kentucky and Tennessee studies found significant negative correlations between circulation and the statement that the possibility of being sued for libel has a chilling effect on a newspaper the size of mine. Both studies found a positive correlation between circulation and disagreement with the statement that most newspapers the size of (the respondent's) have never been sued for libel. The Kentucky study also found a significant negative correlation between being insured and the idea that libel insurance is too expensive.

Discussion

A chilling effect exists among Tennessee newspaper editors, but, based on the scale used in this study and compared with the scores reported for Kentucky newspapers, the chill in Tennessee is rather moderate.

Being threatened with a libel suit is a more potent chilling agent than actually being sued, but this finding could have been influenced by the small number of respondents who had been sued and the relatively few times their papers had been sued during the past five years. Comparatively, the number of suits threatened was quite high (16 suits compared with 162 threats of suits).

A high score on the chilling effect scale correlated significantly with pre-publication review by an attorney, but the fact that attorneys advised editors to make substantive changes in only four instances may be indicative of editors' timidity regarding libel; that is, editors may have been overly cautious, seeking pre-publication advice for stories with little or no potential for libel.

Respondents from smaller circulation papers were more likely to think that the possibility of being sued had a chilling effect on papers their size than respondents from larger circulation papers. However, the combined scores of chilling effect items showed dailies were more fearful than weeklies. Too, respondents from dailies were significantly more likely than weeklies to view the possibility of a libel suit as a daily concern. These findings are not entirely surprising because dailies have greater exposure to suits because they publish more stories that weeklies. Too, dailies generally are more likely to engage in investigative reporting than weeklies.

Frequency of publication and circulation significantly affected attitudes about the financial burden of libel suits. Editors from weeklies and small-circulation dailies were more likely than those from dailies and large-circulation papers to think that libel suits present an unfair burden and that libel insurance is too expensive.

Regarding attitudes about libel insurance, it is not surprising that respondents who thought that libel insurance was too expensive for papers their size were from smaller papers, weeklies rather than dailies and were owned by individuals, families or local corporations rather regional or national groups. Most editors with coverage said they thought libel insurance was a necessity for newspapers today, while those without coverage said libel insurance was too difficult to obtain for papers their size.

While there was no significant correlation between having been sued and attitudes about countersuits to recover legal fees, agreement with the idea of countersuing correlated significantly with having been threatened with a libel suit. One respondent commented: "It doesn't matter whether you are right or not, you can't afford a lawsuit. It would break you trying to defend yourself, even if you won the case. It takes too much time, depositions and court, etc. If you countersue and you win, you may discourage a future suit but who has time and money for it?"

This study indicates that few Tennessee newspapers seek advice on libel matters from the state press association or the Washington-based Reporters Committee, and several respondents volunteered that they were unaware of the Reporters Committee hotline service. The Tennessee Press Association, unlike the Kentucky Press Association, does not operate a libel hotline, but libel is a frequent topic in the TPA monthly newsletter and at its annual conventions.

Tennessee, unlike some states, has quite a few attorneys that specialize in communications law. In addition to TPA programs, King and Ballow, a Nashville firm with many national media groups among its clients, sponsors low-cost workshops dealing with First Amendment issues; thus, Tennessee editors and publishers have greater access to information about libel than their counterparts in many states. That half of the respondents said that they or someone from their paper had attended seminars or workshops about libel reflects the relatively easy access to information and indicates that Tennessee editors and publishers are concerned about libel. Attendance at seminars, however, appears to heighten rather than to alleviate the chilling effect.

Because the findings of this study and the Kentucky study are somewhat limited by the small sample size of daily and large-circulation newspapers and the small number of respondents that had been sued for libel, more research is needed on the chilling effect of libel. A combining of data from the Kentucky and Tennessee studies for further analysis would increase the sample of daily papers, but since the Kentucky study included no papers larger than 50,000 circulation and this study included only three papers larger than 50,000, more data is needed to determine whether a chilling effect operates at large papers. A study with geographical diversity would enable researchers to answer questions not addressed in either the Tennessee or Kentucky studies, such as whether federal district and appellate court decisions about libel correlate with the existence or absence of a chilling effect among newspapers in those jurisdictions. If, as has been suggested,[18] the number of libel suits decreases during the 1990s in the wake of several court cases making it more difficult for plaintiffs to prevail,[19] future research could determine whether the chill abates at newspapers as the incidence of suits declines.

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[18] Society of Professional Journalists, Media Litigation '88 (Nov. 4, 1988); Wong, "In Wake of Westmoreland, Sharon Cases, Libel Suits against the Media Decline," Wall Street Journal, Oct. 17, 1988, B8.

[19] Westmoreland v. CBS, 11 Media Law Reporter 1013, 752 F.2d 16 (2d Cir. 1984); Sharon v. Time, Inc., 609 F.Supp. 1291 (S.D.N.Y. 1984); Tavoulareas v. Washington Post Co., 13 Media Law Reporter 2377, 817 F.2d 762 (D.C. Cir. 1987).

Structural Pluralism and the Growth of Chain Ownership in the U.S. Newspaper Industry

By David Pearce Demers, University of Minnesota[1]

A theoretical model to explain the growth of chain ownership in the U.S. daily newspaper industry is designed and tested in this study. The model posits that the proportion of newspapers owned by chains increases as demand for newspapers declines and that reduced demand, in turn, is a product of increasing social differentiation. Chain ownership is viewed as the structural response to declining demand, i.e., chains enhance the profitability of newspapers through economies of scale and access to greater resources, especially technical expertise. Time-series analysis of national data from 1910 to 1980 supports the hypothesis that the percentage of newspapers owned by chains rises as structural pluralism increases. However, household circulation – a measure of demand – is not significantly related to ownership and is only weakly related to structural pluralism. Failure to find clear support for the demand hypotheses may stem from problems in using circulation as an indicator of demand.

One of the most significant – and many would say alarming – trends in the U.S. daily newspaper industry during the 20th century has been the rise of chain or group ownership. From 1910 to 1986 the percentage of daily newspapers in the United States owned by chains grew from 3 percent to 70 percent. In 1910, 13 groups held only 62 of the nation's 2,202 daily newspapers. But in 1986, 127 groups owned 1,158 of the 1,657 dailies and controlled about 80 percent of the total daily circulation (Busterna, 1988a; Compaine, Sterling, Guback & Noble, 1982; Nixon, 1968; Nixon & Ward, 1961).

Chain ownership has alarmed many scholars, journalists and citizens because they believe a diversity of ideas is essential for a political democracy (e.g., Mill, 1976; Shils, 1968) and that diversity cannot exist when the marketplace of ideas is controlled by a handful of individuals or corporations (Bagdikian, 1985, 1987; Glasser, Allen & Blanks, 1989; Herman, 1985; Murdock & Golding, 1973, 1977; Powell, 1979; Villard, 1930). Yet, despite this concern, relatively little is known about the etiology of chain ownership. Most of the research has examined the consequences, not the origins, of chain ownership (for reviews, see Busterna, 1988b; Compaine, Sterling, Guback & Noble, 1982; Lacy, 1987; Olien, Tichenor & Donohue, 1988; Picard, Winter, McCombs & Lacy, 1988).

The purpose of this study is to develop and test a theoretical model that explains the growth of chain ownership in the U.S. newspaper industry. The model, which draws heavily from a systems perspective (Donohue, Tichenor & Olien, 1973; Tichenor, Donohue & Olien, 1980), posits that the proportion of newspapers owned by chains increases as demand for newspapers declines and that reduced demand, in turn, is a product of increasing social differentiation. Chain ownership is viewed as the structural response to declining demand, i.e., it enhances the profitability of newspapers through economies of scale and access to greater resources, especially technical expertise. Time-series analysis of national data from 1910 to 1980 is used to test the hypotheses.

Theoretical Rationale

One of the most popular explanations for the growth of chain ownership is that "greed" or the "profit motive" is the driving force. Owners of chains or large media corporations are believed to be more susceptible to such tendencies because tax laws and economies of scale give their companies significant competitive advantages in the marketplace (Bagdikian, 1987, pp. 12-16; Compaine, Sterling, Guback & Noble, 1982, pp. 46-57; Stone, 1980, p. 50). This perspective is based on the classical economic assumptions that self-interest is the driving force behind human behavior and that competition is necessary to prevent profit-hungry individuals from holding the community hostage (Smith, 1937).

There is some evidence to support the "profit-motive model." Large-scale organizations frequently benefit from tax laws and economies of scale (Bagdikian, 1987; Blankenburg, 1989; Bogart, 1989; Compaine, Sterling, Guback & Noble, 1982; Rosse & Dertouzos, 1979). A number of studies also suggest that chains charge more for advertising and place greater emphasis on profits as an organizational goal than independently owned newspapers (Blankenburg, 1983; Busterna, 1988b, 1989; Demers & Wackman, 1988; Kreig, 1987; McGrath & Gaziano, 1986; Soloski, 1979). However, there is little evidence to suggest that chain newspapers place less emphasis on producing a quality product or spend less money on news production. In fact, a number of studies suggest that chains promote professionalism and are capable of producing a higher quality product (Becker, Beam & Russial, 1978; Daugherty, 1983; Demers, 1988; Flatt, 1980; Lacy, 1986; Olien, Tichenor & Donohue, 1987; Parsons, Finnegan & Benhan, 1988; Romanow & Soderlund, 1979).

How is the quest for profits to be reconciled with the rise of professionalism? Tichenor, Donohue and Olien suggest that increasing social differentiation may provide the answer.

> *Corporate ownership of multiple newspapers has occurred primarily in larger, more pluralistic communities and among the larger operations deemed to be better investments, i.e., more profitable in the world of journalism. Such ownership involves a pattern of organization, division of responsibility and discreteness of work which differs markedly from the individually-owned enterprise, but without necessarily having negative effects on the news gathering process (Olien, Tichenor & Donohue, 1988, p. 261).*

Chain or corporate ownership, the researchers argue, should be viewed as an outgrowth of the same forces driving a consumption-based economy. Modern marketing requires access to large, heterogenous markets, and newspapers emerged in the 19th and early 20th centuries as principal vehicles for reaching such markets, with advertising becoming their primary means of support. But now advertising is more than a source of support for newspapers -- it is a primary function. Newspapers provide advertisers with audiences of potential product consumers (Donohue, Olien & Tichenor, 1985).

Although the newspaper industry appears to be profitable relative to other types of business and industry (Bogart, 1989) and, thus, represents an attractive investment, the notion that newspapers are reaching a mass audience effectively or more effectively than other types of media is open to debate. Household circulation has dropped significantly since World War II (Compaine, Sterling, Guback & Noble, 1982). Readership surveys also suggest that proportionately fewer people are reading a daily paper now than in the past (Bogart, 1989; Compaine, Sterling, Guback & Noble, 1982; Robinson & Jeffries, 1979). And, although the absolute amount of newspaper advertising has increased substantially since 1935, the relative amount has declined significantly, going from about 44% of total advertising dollars spent in 1935 to 27% in 1987 (Coen, 1987). Television's share, in contrast, has risen dramatically. In terms of understanding the growth of chain ownership, these findings raise an important question: How can the newspaper industry be considered an attractive business investment in the face of declining demand?

Emphasis on short-term profits is one possible answer. However, another is simply that declining demand for newspapers is fueling the growth of chain ownership. The logic is that under conditions of declining or stable demand, the capacity of newspapers to increase advertising and subscription revenues will be constrained. This will be true especially if alternative media can reach the same or a similar market. Becoming part of a chain, on the other hand, may enable newspapers to increase profits in spite of declining demand because they can generate economies of scale and increase access to resources, especially expertise. The most obvious example of how chains increase economies of scale is newsprint costs. Bogart (1989, pp. 60-61) reports that newsprint and ink account for a substantial portion of the expenses at newspapers (13% to 25% of the total). Since chains can buy in larger bulk, they usually can negotiate better prices than independently owned newspapers. Economies of scale also may be derived through administrative and news-gathering practices. An example of the former is centralization and standardization of accounting procedures and the latter is in-house wire services.

In addition to economies of scale, chain newspapers appear to have greater access than independently owned newspapers to human and capital resources, which are crucial for adapting to changing market conditions. This proposition is based in part on research which shows that chains and larger news organizations employ more highly educated employees (Demers & Wackman, p. 64; Johnstone, Slawski & Bowman, 1976, p. 201; Weaver & Wilhoit, 1986, p. 50) and that larger organizations have a greater capacity for adoption of innovations than smaller ones (Galbraith, 1978; Moch & Morse, 1977).[2] Because of their size, chains also have more working capital and knowledge about the marketplace.

Blankenburg (1983) found, for example, that Gannett charges more for advertising than other comparable, independently owned newspapers because it has greater knowledge of the marketplace, not greater concern for profits.

Chain ownership may increase profits and enable a newspaper to adapt more readily to changing market conditions, but these factors do not explain the origins of declining demand itself. Some researchers have suggested that competition from other media, especially television, is reducing demand (Compaine, Sterling, Guback & Noble, 1982; McCombs, 1972; Nixon & Ward, 1961; Robinson & Jeffries, 1979; Rosse & Dertouzos, 1979). Marx (1933) argued, for example, that competition increases the innovative capacity of businesses, which lowers prices, forcing less competitive and innovative businesses out of business and decreasing the number of competitors in a particular industry. While this argument is intuitively appealing, most studies fail to support the argument that increased use of television or other broadcast media has led to a decrease in newspaper reading. The same also generally holds for advertising (for no support, see Blankenburg, 1980; Bogart, 1975, 1989; Busterna, 1987; Lacy, 1987; for support, see McCombs, 1972; for mixed results, see Dimmick & Rothenberger, 1984; Robinson & Jeffries, 1979).

While intermedia competition should not be ruled out as a possible determinant of demand,[3] the focus here will be on the degree of structural differentiation in the social system. Specifically, it is proposed that as society becomes more diverse and complex -- i.e., the degree of differentiation along institutional and specialized interest group lines increases (Tichenor, Donohue & Olien, 1980, p. 16) -- relative demand for generalized sources of information and news (e.g., newspapers) decreases. Audiences should be less attracted to generalized sources of information because those sources should fail to meet their informational needs, which have become more specific and differentiated as their occupational and social roles have become more diversified. Advertisers, too, should be less attracted to generalized sources, since their products or services, in response to an increasingly diversified market, have become increasingly differentiated. In a highly pluralistic system, advertisers require more efficient and effective means of reaching specific audience segments. The business term for this is target marketing.

It is important to emphasize that a decrease in the demand for generalized sources of information and news does *not* mean there is less demand for information in general. Tichenor, Donohue & Olien (1980) point out that the growth and development of the mass media is a function of increasing diversity in the social structure. Homogeneous, traditional societies or communities generally have a limited number of mass media sources, and those sources tend to represent the interests and concerns of a homogeneous, undifferentiated audience. But, as the level of structural pluralism increases, demand for specialized sources of information and news increases, and the system responds by increasing the number and diversity of print and electronic media. The rapid proliferation of newsletters, cable systems, highly specialized academic journals and fax machines are examples of how media systems have responded to increasing pluralism. The key factor that distinguishes the model being offered here is that demand for generalized sources declines because of the increased diversification of social needs.

Scope Conditions

Two major assumptions underlie the theoretical model presented above. The first is that newspapers are generalized sources of information and news. In this context, "generalized" means that media present news and information that cuts across a wide range of social institutions. These would include, but are not limited to, education, the family, government, business or the economy, and the church or religion. Conversely, the more the content of a particular newspaper or publication centers on one of the institutional areas to the exclusion of others, the less generalized and the more specialized it becomes. Under this definition, most newspapers would qualify as a generalized source of news and information, at least relative to other media. But it is important to point out that media organizations may be ranked in terms of the degree to which they are specialized or generalized sources of information.

The second assumption is that the marketplace generally must be free of outside (e.g., governmental) interference. To the extent that anti-trust legislation is enforced or the government puts a cap on the number of media that any one company or individual can legally own, trends toward chain ownership will be contained. For example, despite widespread beliefs to the contrary, increasing chain ownership is a characteristic largely limited to the newspaper industry. The levels of centralization in radio, television and cable television have not changed significantly during the last 30 years, primarily because of government regulations on ownership. On the other hand, it is very interesting to note that between 1947 and 1977 the magazine publishing industry actually became less centralized, apparently because of increasing product differentiation and target marketing (Compaine, Sterling, Guback & Noble, 1982).

Research Related to the Structural Model

No studies have specifically tested a model in which demand mediates the effects of pluralism on newspaper ownership. But some studies and data may be interpreted as providing evidence that increasing structural differentiation reduces demand for generalized sources.

First of all, the United States is not the only pluralistic nation to experience declines in demand for newspapers. Aggregate circulation of the national daily press in Britain declined 10.8% from 1961 to 1975. In 1974 only three dailies and three Sunday papers reported a profit and in 1975 only four dailies and one Sunday made money (Murdock & Golding, 1977, p. 21). Newspaper circulation has not declined in all pluralistic countries (Bogart, 1989, p. 336), but some of the differences between nations may be explained in terms of the extent to which the press is centralized and the availability of alternative media. Second, demand for news magazines -- another medium that appeals to broad-based audiences -- also appears to be declining. Circulation of the top three publications -- Time, Newsweek, U.S. News & World Report -- has leveled off since 1970 and newsstand sales have dropped more than 25 percent, going from 615,000 per week to 455,000 (Porter, 1989). And third source of evidence that increasing pluralism is reducing demand for generalized sources is that viewing of national network television also has declined. From 1978 to 1988 the three major networks' share of prime-time viewers went from 92% to 70% (Zoglin, 1988). More specialized programming on cable television is one of the factors often cited for the decline.

If demand for generalized sources of information is declining, then it also might be expected that newspapers would be modifying their content to appeal to more specialized audiences. There is some evidence to support this auxiliary hypothesis. Bogart (1985) reports that the number of regularly published features on a variety of topics (e.g., gardening, advice, outdoors activities, fashion, travel) in daily newspapers has declined substantially since 1967. In its place the amount of local coverage appears to be increasing. This increase would be expected as a community grows, but the findings also suggest that newspapers are moving away from coverage that appeals to a wide variety of interests and tastes.

How are newspapers repositioning themselves in the marketplace? Bogart's data are not precise enough to answer this question. However, other research suggests that the trend is to target more urban, affluent audiences. Donohue, Tichenor and Olien (1986) report that metro daily newspaper penetration has dropped sharply in nonmetropolitan areas of Minnesota. The researchers point out that rural areas are not attractive markets for advertisers because they are primarily agricultural and low in income. In addition, because most of the advertising in the metropolitan daily comes from metropolitan advertisers, rural areas that are far removed from the metropolitan area are not attractive markets. Bagdikian (1987, pp. 105-117) also argues that newspapers and broadcasters seek affluent audiences because these groups are attractive markets to advertisers.

Theoretical Propositions

The model developed in this paper is summarized below in four key propositions. Although this study has focused on the newspaper industry, the propositions are intended to be generalizable to all media given the scope conditions listed above.

H1: *The greater the community pluralism, the lower the relative demand for newspapers and other generalized sources of information and news.* Demand is conceptualized as the desire for a commodity together with the ability to pay for it. Although increasing pluralism would be expected to stimulate an absolute increase in the demand for newspapers as well as other sources of information and news, increasing pluralism should reduce relative demand for newspapers because audience and advertiser needs become more specialized.

H2: *The lower the demand for newspapers and other generalized sources of information, the greater the relative number of chain-owned newspapers and generalized sources.* Reduced demand depresses advertising and circulation revenues, which, in turn, increases pressure on less innovative and weaker competitors to sell out.

H3: *The greater the community pluralism, the greater the relative number of chain-owned newspapers and generalized sources.* This proposition is deduced from the first two.

H4: *The fewer the relative number of newspapers and generalized sources, the greater the ability of those sources to control the market and to generate profits.* As the relative number of competitors declines, the remaining competitors should experience some growth, at least temporarily, which, in turn, should lead to increased innovative capacity and economies of scale.

Hypotheses 1 through 3 are tested in this study. Hypothesis #4 is not tested because measures of innovation and profitability are not readily available at the national level.

Method and Measures

The unit of analysis for this study is the United States. Data on newspaper ownership, advertising expenditures and population characteristics over a 70-year period, from 1910 to 1980, are analyzed. Decennial years are used as the unit of observation, which yields a total of eight observations. Regression is the primary statistical technique used.

Ownership is operationalized as the percentage of daily newspapers owned by chains or groups. A chain is defined as two or more newspapers under common ownership. Over the period under study, the percentage of newspapers that came under chain ownership grew exponentially (i.e., variance increased over time).[4] The rate of growth was roughly in direct proportion to the absolute values for that variable, so log (base 10) transformations were employed. This was necessary to meet one of the assumptions of regression analysis: homoscedasticity.

Demand is measured as the ratio of total circulation to the total number of households in the United States. Circulation is often used as a surrogate measure of demand (see, e.g., Busterna, 1987); however, there is an important limitation to this measure: Several studies have shown that marketing decisions can strongly affect circulation figures (Bagdikian, 1987; Blankenburg, 1982; Donohue, Tichenor & Olien, 1986). In light of this shortcoming, findings regarding hypotheses one and two must be interpreted cautiously. Values for ownership and circulation were obtained from *Editor & Publisher International Yearbook* and several other sources (Compaine, Sterling, Guback & Noble, 1982; Nixon, 1968; Nixon & Ward, 1961).

Four indicators of structural pluralism are employed: (1) percent of the workforce in manufacturing, (2) population, (3) percent living in urban areas, and (4) percent of workforce composed of women. The measures were obtained from Department of Labor, Bureau of Census, and Department of Education statistics. Similar measures of pluralism have been used in other studies (see, e.g., Blau & Schwartz, 1984; Tichenor, Donohue & Olien, 1980). The indicators in this study are analyzed separately and as an index. For the latter, values were standardized before summing.

As expected with data such as these, initial regression analysis revealed first-order autocorrelation in some of the data. Generalized least squares (Prais-Winsten method) was used to help correct this problem (see Johnston, 1984; Pindyck & Rubinfel, 1976; Wonnacott & Wonnacott, 1979).

Findings

Regression analysis provides limited support for the first hypothesis -- that household circulation would decrease as structural pluralism increases. Model #1 in Table 1 shows that for each one standard deviation increase in the pluralism index, household circulation declines by .11194, or about 112 per 1,000 households (see ordinary least squares estimate). The standard error of this slope is .05247, which is statistically significant at $p < .05$ (one-tailed test). However, the value for the Durbin-Watson statistic (1.15) indicates that autocorrelation may be a problem (see footnote in table for additional information). The standard error of the regression, shown in column four, indicates how much error exists between the observed and predicted values and is measured in terms of the dependent variable (i.e., proportion of newspapers under chain ownership). In this case the fit is modest: 68% of the observed values fall within plus or minus .14 of the predicted values. SE of regression values may be compared across regressions equations with the same dependent variables. Adjusted R-square, which indicates how closely the observed values lie around the regression line, also is reported. However, there are a number of problems in using this statistic to assess the strength of the relationship (see Achen, 1982, pp. 58-68), and it plays a minor role in the interpretation of the data reported here. Autocorrelation is not a significant problem in the Prais-Winsten model, but the slope is not statistically significant ($p = .08$). In sum, the findings do not provide unqualified support the first hypothesis.

The second hypothesis -- that the percentage of newspapers under chain ownership would increase as household circulation declines -- is not supported. Model #2 in Table 1 shows that the slope is in the predicted direction, but the relationship is weak and not significant. Autocorrelation is a serious problem for the ordinary least squares estimates, but findings from the generalized least squares model (Prais-Winsten method) are no improvement.

Table 1
Ordinary Least Squares and Prais-Winsten Regression Analysis

DEPENDENT/INDEPENDENT VARIABLE	SLOPE	STANDARD ERROR	DURBIN WATSON[a]	SE OF REGRESSION	ADJUSTED R-SQUARE
1. Household Circulation Regressed On Pluralism Index					
OLS Estimates[b]	-.11194	.05247	1.15	.14	.34*
P-W Estimates	-.11316	.06505	1.37	.15	.13
2. Ownership Regressed on Household Circulation					
OLS Estimates	-1.78257	1.11022	.62	.49	.18
P-W Estimates	-1.18995	1.17026	1.06	.45	-.16
3. Ownership Regressed On Pluralism Index and Indicators					
a. Pluralism Index (b+c+d+e)					
OLS Estimates	.53616	.05730	1.20	.15	.93**
P-W Estimates	.55225	.07228	1.42	.16	.89**
b. Population (000)					
OLS Estimates	.00001	.00000[c]	1.03	.15	.92**
P-W Estimates	.00001	.00000[c]	1.34	.16	.88**
c. % Workforce in Manufacturing					
OLS Estimates	.04816	.00529	1.33	.15	.92**
P-W Estimates	.04939	.00651	1.37	.17	.89**
d. % Living in Urban Areas					
OLS Estimates	.05006	.00592	1.64	.16	.91**
P-W Estimates	.05013	.00657	1.66	.18	.89**
e. % Workforce Composed of Women					
OLS Estimates	.06221	.00972	1.01	.21	.85**
P-W Estimates	.06318	.01197	1.24	.22	.79**
4. Ownership Regressed On Pluralism and Household Circulation[d]					
Pluralism Index	.60015**	.08851	1.45	.16	.90**
Circulation	.47543	.49141			

[a] Durbin-Watson Statistic measures the degree of autocorrelation. Values range from 0 to 4. Those less than .94 and greater than 3.06 significant at p<.05 (positive and negative autocorrelation, respectively). Test is not conclusive for values between .94 and 1.27 or 2.73 and 3.06.

[b] OLS = Ordinary least squares; P-W = Prais-Winsten method.

[c] Standard error less than .000005.

[d] Only Prais-Winsten estimates shown.

*p<.05; **p<.001 (one-tailed test)

Data support the third hypothesis -- that the percentage of newspapers under chain ownership increases as structural pluralism increases. All five pluralism indicators and the overall index are significantly related to ownership. This applies to both the ordinary and generalized least squares models, although autocorrelation is a problem for some of the OLS models (see estimates for population and percent of workforce composed of women). A one-percent increase in the percentage of people living in urban areas, for example, results in a 5 percentage-point increase in the number of newspapers owned by chains.

Ownership also was regressed simultaneously on household circulation and the pluralism index to assess whether circulation mediates the effect of pluralism on ownership. If circulation does mediate, the slope coefficient for the pluralism index should decline. Model #4 in Table 1 indicates that circulation has no effect. The slope for pluralism remains statistically significant and, in fact, increases slightly (.55225 to .60015). The coefficient for household circulation is not statistically significant and correlates positively, not negatively, with ownership. The sign switch is a function of the high correlation between circulation and pluralism ($r = -.66$), i.e., multicollinearity, and means that the findings from the regression should be interpreted cautiously.

Summary and Discussion

In this paper a theoretical model was constructed and tested to explain the growth of chain ownership in the U.S. newspaper industry from 1910 to 1980. The model posits that chain ownership is a product of increasing social differentiation. More specifically, it was hypothesized that structural pluralism reduces demand for generalized sources of information (e.g., newspapers) and that reduced demand, in turn, promotes chain ownership. Chain ownership also is expected to increase profits and enhance the adaptive capacity of the local organization through economies of scale and increased access to capital and human resources (e.g., expertise).

Regression analysis supports the hypothesis that the percentage of newspapers under chain ownership rises as the level of structural pluralism increases. However, household circulation, which was used as a measure of demand, did not mediate the effects of pluralism on ownership. Failure to find support for the demand hypotheses may stem from the fact that circulation is too crude of a measure of demand. As noted above, aggregate circulation data do not separate the effects of audience demand from those of marketing decisions. But additional research is necessary to test this explanation, since it is possible that other factors (e.g., competition) may explain the effects of pluralism.

The correlation between pluralism and ownership should be interpreted cautiously for at least three additional reasons. First, the data are generalizable only to the United States and are time-bound (i.e., 1910 to 1980). Support for the model may vary across or within social systems and over different time periods. Second, this study did not control for confounding effects. Dozens of other explanations for concentration and centralization of ownership have been offered and many of these alternative are not compatible with a structural model (Asch, 1983; Auerbach, 1988; Brozen, 1982; Compaine, Sterling, Guback & Noble, 1982; Nixon & Ward, 1961; Rhoades, 1983; Stone, 1980). And third, this study has assumed that chain ownership improves the competitive and adaptive capacity of the local operation. No test of these hypothesis was possible because measures of economies of scale and innovation are not readily available at the national level.

Despite these caveats, the findings in this study suggest that additional research on a structural explanation of chain ownership is warranted. One approach to overcome many of the measurement and conceptual problems discussed above is to use the community as the unit of analysis and to restrict the geographical area studied to the home county, where most daily newspapers are widely available through retail outlets and home delivery. Such a study would also allow a test of alternative explanations, such as intermedia competition.

Footnotes

1. This paper was presented at the annual convention of the Association for Education in Journalism and Mass Communication, August 9-12, 1990, Minneapolis, Minnesota. The author, a Ph.D. student at the University of Minnesota, wishes to thank George A. Donohue, Phillip J. Tichenor and Ronald Aminzade for their comments and suggestions on earlier drafts of this paper.

2. Some support for this proposition comes from Donohue and Tichenor (1989), who conclude that consolidation of local governmental services can yield greater power for rural communities.

3. Effects of competition on chain and monopoly ownership is explored more thoroughly in a longer version of this paper, titled "Effects of Competition and Structural Pluralism on Centralization of Ownership in

the U.S. Newspaper Industry."

4. The values were as follows: 1910, 2.8%; 1920, 7.5%; 1930, 16.0%; 1940, 17.0%; 1950, 24%; 1960, 31.8%; 1970, 50.3%; 1980, 65.3%.

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Effects of Bias Associated With Author Gender on Evaluations of News Articles

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Women's bylines were given a problematic place in American newspapers when Hearst introduced "Annie Laurie" (Winifred Black) as the first "sob sister" journalist, who gave "a sob for the unfortunate in every line" (Park, 1967: 111). Gender of author has been suggested as playing a role in how readers assess credibility (Goldberg, 1968) and give meaning to the message (Hovland, Janis, and Kelley, 1953). For women journalists, this raises a practical question of whether their products are devalued by audiences; for newspapers receiving ever larger numbers of women reporters into newsrooms, the professional issue is whether readers react with bias toward these female bylines. This study examines the effects of gender of an author on credibility under various conditions of article content and quality.

Hovland, Janis, and Kelley (1953) demonstrated the effects of attributing a message to a source with high or low credibility. Messages identical in content were seen by readers as "less fair" and conclusions "less justified" when the source was perceived to have low credibility. More recently, others (Heesacker, Petty, and Cacioppo, 1983) have found that a message with high source credibility (from a college professor) was examined more closely than one from a low credibility source (high school journalism students); when messages were attributed to a highly credible source, strong ones rated higher and weak ones rated lower than when the source lacked credibility.

Credibility was at issue a few decades ago when female journalists not infrequently used initials rather than first names in their bylines, presumably because they feared that otherwise their news stories would be less credible to their audiences. Dramatic social changes have taken place since, including a major influx of women into journalism (LaRocque, 1982). Figures cited by LaRocque indicate that 57 percent of journalism graduates are women, and that the percentage of women employed in newspapers rose from 19 percent in 1950 to 38 percent in 1981. Nonetheless, women continue to face a variety of barriers to full equality within the newsroom (Eberhard and Myers, 1988; LaRocque, 1982; Wilson, 1987).

Byline bias was the focus of the 1968 study by Philip Goldberg, in which he had undergraduate women read and evaluate professional articles written by either "John T. McKay" or "Joan T. McKay." Each reader was asked to rate the credibility of six articles from journals on art history, dietetics, primary education, city planning, linguistics and law. The nine questions asked about the value, persuasiveness, and style of the article as well as the competence and status of the writer. Changing only one letter in the byline had substantial effects: The articles by "John" were consistently evaluated more positively than the same articles attributed to "Joan," especially when they concerned masculine-stereotyped topics (city planning and law) rather than feminine-stereotyped topics (primary education and dietetics).

Paludi and Strayer (1985) also concluded that pro-male bias is pervasive based on their finding that scholarly articles written by a man were judged more favorably than the same articles written by a woman, whether the topic was masculine-stereotyped, feminine-stereotyped, or gender-neutral.

However, other researchers find such pro-male bias displayed by only some people, judging some achievements, under some conditions. For example, Mischel (1974) found that high school and college students typically evaluated men's professional writings more positively than those by women when the topic was masculine, but judged women's writings more positively than men's when the topic was feminine, thus favoring authors writing on gender-appropriate topics. In the same study, Israeli adults displayed no sex bias, despite the fact that they held the same stereotypes that Americans did about which professions were feminine or masculine.

Other evidence suggests that pro-male bias may be more rampant among men than among women. For example, Cline, Holmes, and Werner (1977) reported that men significantly devalued quotations attributed to women rather than those from men. The quality of a work may also have a bearing; Pheterson, Kiesler and Goldberg (1971) reported that women were biased against unknown female artists but not against women said to be prize-winning artists. Other studies suggest that works attributed to women are evaluated, under many circumstances, just as positively as the same works attributed to men (Anders, 1976; Anderson and Nida, 1978; Lawrence, 1980). Anders had readers evaluate articles; Anderson used freshman essays; and Lawrence used letters to the editor.

Anders reported ambiguous results; no significant gender bias was found but articles without a byline were rated higher than those that carried either a male or female byline. Anders suggested that content may have been a key factor in two ways. Non-controversial articles used in her study could have left readers without strong, consistent reactions. An admitted lack of relevance of the articles for the readers may have contributed to the lack of consistency when readers assessed credibility. Lawrence found that gender of author made no significant difference when college students rated authors' bias, trustworthiness, intelligence, rationality, knowledge and accuracy. However, she found that female readers tended to rate the writers as more credible than did the male readers. [It is perhaps not coincidental that the null findings of Anders and Lawrence remain unpublished.]

To summarize, research on differential evaluations of the professional achievements of men and women suggests that bias against women surfaces only in some contexts. The purpose of the present research was to determine whether sex bias operates in a journalistic context, to assess whether readers evaluate news stories written by women less favorably than the same articles attributed to men. One cannot be certain that what holds for evaluations of articles by professional scholars, essays by freshmen, paintings, and other achievements also holds for news reports. Moreover, most research on sex bias in the evaluation of professional works is dated. In view of widespread efforts to reduce gender bias and dramatic changes in the roles of women in American society, and in journalism in particular, one must ask whether pro-male biases that once operated continue to operate. To address these issues, two experiments were conducted in which the bylines attached to news reports were varied in order to determine what effect an author's gender has on evaluations of the author and his or her work.

STUDY I

The following hypotheses were formulated for testing in the first experiment:

Hypothesis 1: Female bylines are less credible than male bylines.

Hypothesis 2: Neutral bylines (with initials) are less credible than male bylines but more credible than female bylines.

Hypothesis 3: Reader evaluations for byline gender categories will not differ across topics.

Hypothesis 4: Reader evaluations for byline gender categories will not differ by reader gender.

Methods/Study I

In the first experiment, participants were 90 students (53 females, 37 males) in three journalism classes ranging from a sophomore newswriting laboratory to a graduate seminar; 11% were freshmen and sophomores, 74% juniors and seniors, and 14% graduate students. In class, each student was asked to read and evaluate a packet of materials that included three newspaper articles of about 400 words each. The topics -- the First Amendment, AIDS research, and the war against drugs -- were selected because they seemed to be relatively gender-neutral and had proved to be of high interest in a pretest of reader interest. All three articles had actually been published in the Christian Science Monitor.

In order to manipulate author gender experimentally, three different bylines for each article were created. The author of the First Amendment article was Mary A., Mark A., or M.A. Sitomer; the author of the AIDS article was Danielle B., Daniel B., or D.B. Johnston; and the author or the drug article was Joan J., John J., or J.J. Goodman. Each participant read all three articles, and each read one by a female, one by a male, and one by an author identified only by initials. The particular combination of byline and article topic any reader received was randomly determined. Although each subject read only three of the nine possible combinations of byline and article, all nine were represented in the overall design. The order of presentation of articles was systematically counterbalanced so that the three types of byline, as well as the three articles, appeared approximately equally often as the first, second and third articles in the packet.

After reading each article, participants completed six five-point rating scales.

Four of the scales asked reader to judge the author as:

very intelligent/not very intelligent
completely unbiased/completely biased
very well informed/not very well informed
completely trustworthy/completely untrustworthy

Two of the scales asked the readers to judge the author's work as:

very well written/not very well written
very accurate/not very accurate.

Scores on the six scales were averaged to form a total impression measure, which proved to be internally consistent, as indicated by a Cronbach's alpha of .83.

Results/Study I

The mean ratings of the three bylines are presented in Table 1. As the table indicates, analyses of variance (Wimmer and Dominick, 1987) indicated that readers' impressions were virtually identical no matter whether the author was said to be a man or a woman. The only hint of a byline main effect was the tendency for ratings to be slightly lower when the article contained only the author's initials; this trend was nearly significant (p. < .07) for ratings of intelligence. Although the overall effect of byline was nonsignificant for each of these measures, byline and sex of reader interacted to influence ratings of quality of writing (F = 3.51, p , .05, df = 2, 170). The nature of this interaction was clear: In judging the writing of authors identified only by their initials, male readers made significantly harsher judgments than did female readers (1.51 vs. 2.42).

Analyses of variance that included article topic as a factor indicated that what an author wrote about did not affect readers' evaluations of his or her competence. That is, the three articles were about equally well received, and there were no signs that gender of byline effects were more likely to surface in one content area than in another. Moreover, the order of appearance of a particular byline in the series of three bylines had no effect on how favorably it was evaluated. As a result, the ratings garnered by each byline were averaged across the three articles and the three orders of administration. Average scores on the various scales, as well as a total average rating, were then subjected to 3 x 2 analyses of variance. The factors in each analysis were byline (male, female, or initials-only) and participant gender (male or female). Byline was a repeated-measures or within-subjects factor since each reader judged all three bylines.

Insert Table 1 about here

Otherwise, these analyses revealed that women were significantly more generous than men were in their ratings of intelligence and writing style and in their total evaluations of authors. These sex differences held across the different bylines; male and female readers showed no signs of reacting differently to male and female bylines. Thus, the general conclusion that female authors were evaluated just as favorably as male authors held true for both male and female readers.

Discussion/Study I

The findings failed to confirm hypotheses 1 and 2; gender clues in bylines did not produce a significant main effect on evaluations, the neutral bylines were evaluated lower than the others but not in a position between male and female ratings as expected. Hypotheses 3 and 4 were supported; there was no significant interaction effect of article topic and byline gender on evaluations, nor was there an interaction effect of participant gender and byline gender on evaluations.

Perhaps the only practical implication of the first study is that authors of either gender who use only their initials in their bylines run a slight risk of being judged negatively, especially by male readers. [Paludi and Strayer (1985) also found that authors identified only by initials were judged less positively than male authors although they were rated slightly more positively than female authors.]

However, the more important implication of the study is that news stories on a fairly wide range of topics are evaluated no more or less favorably when they have a female byline that when they have a male byline. Although one might be tempted to conclude that sex bias in the evaluation of men's and women's writing has ceased to exist, this study left several issues unresolved. First, the author's gender may not have been sufficiently apparent to readers because bylines were printed in the same type font and size as the body of the stories. Second, reading three articles may have overtaxed students and rendered them less attentive to bylines than they might have been had they read only one article. Third, since we did not check on accuracy of recall of author gender, we cannot rule out the possibility that it had no effect simply because it was not processed, notwithstanding evidence that readers generally do notice author gender (Culbertson and Somerick, 1976).

The fact that most participants were upper level journalism students also raises questions about whether these findings would generalize to a less sophisticated readership. Possibly these students were schooled enough in techniques of journalistic criticism that their judgments were more influenced by the objective qualities of articles and less influenced by gender stereotypes than more naive readers' judgments would be. Finally, all of the articles were high-quality works. Since Pheterson et al. (1971) detected pro-male/anti-female bias only when artistic works were said to be by unknown artists rather than by prize-winners, it remains possible that discrimination against female authors is evident only when relatively poor journalistic works are being assessed. A second experiment was designed with all of these considerations in mind.

STUDY II

In the second study, readers who were novices in the field of journalism evaluated a single article whose byline was prominently displayed. The major hypothesis from Study I was tested again:

Hypothesis 1: Female bylines are less credible than male bylines.

Readers were explicitly asked after they had completed their assessments whether they recalled the author's gender, thus:

Hypothesis 2: Readers who correctly recall author gender will be more likely to display pro-male bias than will those who do not correctly recall gender.

To manipulate quality of work and thus test the finding of Pheterson et al. (1971) about unknowns as victims of anti-female bias, both the identity of the author and the style of the article were varied.

Hypothesis 3: Pro-male bias will be more pronounced in evaluations of an unknown writer than for a high-status professional.

Methods/Study II

Respondents were 87 students (53 females, 34 males) in a large introductory journalism class intended for on-majors; 69% were freshmen or sophomores. Since an article's topic had no bearing on gender bias in Study I, and since students were covering First Amendment themes in the course and could be expected to be interested in the topic, the First Amendment article used in Study I was selected by use. Bylines (Mary A. Cummings versus Mark. A. Cummings) were set in type three times larger, and bolder, than that used for the body of the story, and only slightly smaller than the article's headline. In the "high quality" version, a line reading "The New York Times" followed the byline, and the text was as it had originally appeared in print. In the "low quality" version, the identifier "Journalism sophomore" followed the byline, and numerous stylistic errors (in spelling, punctuation, grammar, and paragraphing) were introduced into the text. Thus four versions of the article were created, representing high and low quality works by both a male and a female author. Survey packages were distributed to the class in a randomized order.

The same six rating scales used in the first study were administered. However, to increase the sensitivity of the measures, they were changed from five-point to seven-point scales. Scores on the six items were again summed and averaged to produce a total evaluation score (alpha = .78). Finally, following the page with the rating scales was a question that asked readers to recall, "without looking back," the gender of the article's author.

Results/Study II

Each of the ratings of the article was analyzed through a 2 x 2 x 2 analysis of variance in which the factors were sex of author (male or female), quality of article (high or low), and sex of participant (male or female). Table 2 presents the overall ratings of the male and female authors, and indicates which gender of author effects were statistically significant. Mark and Mary were judged to be equally intelligent, unbiased and informed. However, Mary was perceived as more trustworthy, and her articles were considered to be better written and more accurate than Mark's. As a result, overall evaluations of her work were more positive than those of her equally competent (or incompetent) male counterpart. In short, a pro-female rather than an anti-female bias was detected.

Insert Table 2 about here

The analyses of variance also indicated that the manipulation of article quality and author prestige was successful. High quality articles were rated more positively than low quality articles on every measure except trustworthiness and accuracy -- two of the three scales on which a pro-female bias was evident. However, the main effects of author gender and article quality were the only effects that proved to be significant. Contrary to expectation, gender of author bias was no more apparent in judgments of low quality articles than in judgments of high quality articles. Moreover, pro-female bias was displayed by both male and female readers.

These findings are rendered more interpretable to the extent that readers accurately recalled the gender of the author whose work they read. Overall, 78% did so. Readers who read a male authored article remembered that the author was male more often than readers who read a female-authored article recalled that the author was female (95% versus 61%, F with 1 df = 12.39, p , .001.) This tendency to remember a male author's gender more reliably was thus the only hint of pro-male bias in either of the studies, though it may have been due to nothing more than a tendency on the part of readers who know that men outnumber women in journalism to guess "male" when in doubt. Nonetheless, readers who recalled the author's gender were no more or less likely to display pro-female gender bias in their evaluations than readers who failed the recall test. In analyses of variance restricted to readers who accurately recalled author gender, the results were virtually identical to those based on the whole sample; the only difference was that the sex of author effect on quality of writing ratings, significant in the main analysis, fell just short of significance, (p. < .07).

Discussion/Study II

Hypothesis 1 was not supported. Evaluations of male bylined articles did not surpass those with female bylines; to the contrary, a strong pro-female bias was detected on certain traits and in the overall evaluation.

Hypothesis 2 was not supported. Accurate recall of author gender was not associated with stronger or weaker evidence of pro-male or pro-female bias. The significance of this finding may be that if the gender of the byline produced a response, it came during the reading and rating of articles, even when readers were unsure of the gender of the byline. By the time the readers turned to the last page and answered the question on byline gender, some may have forgotten or been so unsure they did not want to commit themselves in a reply.

Hypothesis 3 was not supported. The unknown female writer was no more likely to be subjected to bias than was the veteran journalist. Discussion of that and other aspects of Study II continues in the general discussion section that follows.

GENERAL DISCUSSION AND CONCLUSIONS

Although these two studies by no means settle the complex issue of biases against female journalists, they at least hint that pro-male bias in the evaluation of written works is less evident today than it once seemed to be. Collectively, the experiments uncovered no evidence of discrimination against female authors among today's college students. The "novice" evaluators in the second study -- men and women alike -- actually displayed a pro-female bias. They were more impressed by the trustworthiness, writing style and accuracy of a female journalist than of a male journalist who said precisely the same things. This bias was present whether the author was a journalism student whose writing was shoddy or a "New York Times" staffer whose writing was polished.

Why was gender bias (albeit in a direction contrary to expectation) detected in the second study but not in the first? Although the two studies differed in several respects, one suspects that the level of expertise possessed by evaluators is a potentially important influence on the strength of gender of author biases. The "expert" evaluators in Study I may have had the wherewithal to base their judgments squarely on quality considerations, thus displaying on gender bias, whereas the "novices" in Study II, less sensitive to the distinguishing features of good journalism, may have been more susceptible to the influence of irrelevant considerations -- in this case, author gender and all that it might imply. The hypothesis that novices are more likely than experts to make sex biased judgments is consistent with evidence that people rely more on sex-role stereotypes in judging an individual when they know little about the person than when they know a good deal besides his or her gender. If this reasoning is valid, gender biases--either pro-male or pro-female -- should be more evident among less educated members of the general public than among college students.

But why did the student readers display pro-female rather than pro-male bias? One possibility centers on the fact that they evaluated news stories rather than professional articles. Although the content of the articles used by Goldberg and others in not entirely clear, it appears that these pieces were intended to sway opinion; readers were typically asked to judge their "persuasiveness" (Goldberg, 1968; Mischel, 1974; Paludi and Strayer, 1985). Since men are stereotyped as more dominant, forceful, opinionated, and argumentative than women (Werner and LaRussa, 1985), they might well be perceived as more persuasive essayists. By contrast, many feminine-stereotyped traits also happen to be the traits of a good reporter. Not only is there empirical support for the view that females are more verbally skilled than males area (Maccoby and Jacklin, 1974), but college students perceive women as more sincere, fair-minded, and tactful, and less opinionated and prejudiced, than men (Werner and LaRussa, 1985). If this argument holds, one might predict that pro-male bias would be more evident in evaluations of editorials than in evaluations of straight news reporting.

Another possibility is that respect for women reporters has increased as more and more women have entered journalism. The fact that a majority of the students in the journalism courses in which data were collected were women may be revealing. In view of evidence that women's works are sometimes evaluated more positively than men's works when the topic of discourse is feminine-stereotypes rather than masculine stereotypes (Mishel, 1974), it seems plausible that evaluations of women professionals are generally more favorable when their professions are perceived as appropriate domains for women than when they are not. By contrast, if participants in previous studies were guided by a belief that publishing academic articles or producing works of art are masculine endeavors, they might well have deemed it unlikely that a woman could equal a man at these tasks.

Finally, one might consider the possibility that the women's movement and changes in men's and women's roles in society have resulted in more generalized changes in sex-role attitudes since 1968 when Goldberg first uncovered evidence that women's achievements are devalued. Today's young people have been socialized to adopt sex-role attitudes that are more liberated than those that prevailed in the past. They hold more positive stereotypes of females and less positive stereotypes of males than once was the case (Werner and LaRussa, 1985). It is conceivable, then, that they are more likely than college students of the past to show a special appreciation for women who achieve in any number of professions, whether those fields now have substantial female representation or not.

Of course, it would be premature to conclude that bias against female authors no longer exists or has been replaced by bias in their favor. It was not that long ago, after all, that Paludi and Strayer (1985) uncovered evidence of discrimination against women writers. Instead, it appears that pro-male bias, pro-female bias, and lack of bias in the evaluation of male- and female-authored works can all manifest themselves, depending on the circumstances.

Thus, the study of gender biases in the evaluation of journalistic products would profit from careful attention to factors likely to moderate gender of author effects -- qualities of the _audience_ member (for example, level of expertise and traditionalism of sex-role attitudes), qualities of the _message_ (for example, whether it consists of editorializing or straight reporting, whether its topic is sex-typed, and whether it is competently executed), and features of the _context_ in which evaluations are rendered (for example, whether the evaluation process is formal or informal, and whether a work is evaluated on its own merits or judged in comparison to other works). Knowing that a journalist's gender _can_ matter to the audience member, we are challenged to determine more precisely when it _does_ matter.

For a female journalist, these findings suggest that her work is not uniformly devalued by readers on the basis of gender alone. Credibility was described by Hovland, Janis, and Kelley (1953) as based on two elements: expertise and overall trustworthiness. In those terms, women may welcome the possibility that they may be judged on the bases of ability to discover and report the news, without the burden of diminished trust in or respect for the product of a female writer.

Newspapers may see additional significance in terms of readership for news in findings that an article appearing under female bylines is not generally devalued and under some conditions is highly valued by readers. It would allay fears that readers will be turned off, and might point to new reasons--apart from equity -- to continue efforts to increase the proportion of women represented in newsrooms.

Further, the findings of this study suggest the utility of taking a fresh look at traditional expectations of anti-female bias in other communication areas. For example, Barge, Schleuter and Pritchard (1989) found that gender was not a significant factor in evaluation of lawyers' opening statements, contradicting the literature they cite. For women professionals, the point may be that the extraneous factor of gender is becoming less important than central matters of professional competence in maintaining credibility and getting their message across.

Table 1. Mean Ratings of Articles as a Function of Author Byline (Study 1).

	Gender of Byline		
Rating	Male	Female	Initials only
Intelligent	2.54	2.60	2.36
Unbiased	1.88	1.75	1.65
Well informed	2.79	2.67	2.74
Trustworthy	2.37	2.43	2.31
Well written	2.23	2.25	2.06
Accurate	2.37	2.35	2.32
Total evaluation	2.35	2.36	2.25

Note: The maximum score for each measure is 5. Due to some missing responses, Ns for these items vary from 82 to 90.

Table 2. Mean Ratings of Articles as a Function of Author Gender (Study 2).

	Gender of Byline			
Rating Initials only	Male	Female	F	p
Intelligent	4.55	4.44	.19	ns
Unbiased	4.02	4.49	2.58	ns
Well informed	4.81	4.98	.72	ns
Trustworthy	4.02	4.60	7.59	< .01
Well written	3.83	4.58	4.73	< .05
Accurate	4.19	4.71	6.74	< .05
Total evaluation	4.24	4.63	5.63	< .05

Note: The maximum score for each measure is 7. F's indicate the significance of the main effect of author gender in each 2 x 2 x 2 analysis of variance . Degrees of freedom are 1 and 79, based on 42 readers reacting to male authored articles and 45 reacting to female authored articles.

THE JOURNALIST'S BIBLE:
BAD NEWS FOR WOMEN

by

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THE JOURNALIST'S BIBLE:
BAD NEWS FOR WOMEN

Introduction

> *Stereotypes, like cliches, make communicating simple. The communicator doesn't have to think.*[1]

According to the Associated Press' promotional cover piece on its stylebook, "more people write for the Associated Press than for any single newspaper in the world." In addition, the book claims to be "an invaluable resource for journalists, as well as writers, scholars, students, and editors." Indeed, it proudly calls itself "The Journalist's Bible" with "Over 700,000 copies in print."[2]

Kay Mills, an editorial writer for the Los Angeles Times, asserts "when the AP sets a different agenda of legitimacy, however inadvertently, newspapers listen."[3] Underscoring the power of the wire service, Mills adds that most newspapers still get their news from the AP.

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1. Judy E. Pickens, Patricia Walsh Rao and Linda Cook Roberts, Without Bias: A Guidebook for Nondiscriminatory Communication, (San Francisco: International Association of Business Communicators, 1977), p. 20.

2. Christopher W. French & Norm Goldstein (Eds), The Associated Press Stylebook and Libel Manual, (New York: The Associated Press, 1989).

3. Kay Mills, "Women Shaping the News," Washington Journalism Review, January/February, 1988, pp. 40-42.

But beyond funneling news to print and broadcast media, the AP, through its stylebook, has a part in shaping social views. The book "can be viewed as both a document furthering certain social ideals and a journalist's guide to capitalization, abbreviations and spelling preferences," writes Abraham Bass[1]

"Just as the words people read determine what they think, the ways those words appear in print determine texture and meaning," he concludes.

But what about the way words appear in the stylebook--the examples given for correct usage? Do they also not determine texture and meaning?

If the "Journalist's Bible," where the buck starts, is used as a guidebook to language usage, what is it telling journalists about the status of women today? Two different things, it turns out.

Certainly the stylebook itself supports the view that "women should receive the same treatment as men in all areas of coverage. Physical descriptions, sexist references, demeaning stereotypes and condescending phrases should not be used."[2]

In citing examples, the stylebook cautions that, "copy

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1. Abraham Bass, "Stylebook Reflects Society," Grassroots Editor, Spring, 1987, pp. 13-14.

2. Stylebook, p. 231.

should not assume maleness when both sexes are involved"[1] and writers should use the "same standards for men and women in deciding whether to include specific mention of personal appearance or marital and family situations."

However, closer examination of examples used in the stylebook as correct word usage shows it depicts women as passive, powerless, and pretty--the very stereotypic picture the AP advises writers to avoid. Beyond that, the findings of Gaye Tuchman, Arlene Kaplan Daniels and James Benet that women are subject to "symbolic annihilation"[2] in the mass media extend to the "Journalist's Bible." The three writers define symbolic annihilation as condemnation, trivialization or absence. While condemnation of women in the stylebook is missing, females are trivialized and absent in many areas.

Upon reading the stylebook, a passage by Dale Spender in Language and Power[3] springs to mind:

> Men have defined themselves as more central, as more worthy, more comprehensive (and so on), and they have checked only with other men to validate and authenticate their meanings.

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[1] Ibid., p. 231.

[2] Gaye Tuchman, Arlene Kaplan Daniels & James Benet, Hearth and Home: Images of Women in the Mass Media, (New York: Oxford University Press, 1978).

[3] Cheris Kramarae, Muriel Schulz, & William M. O'Barr (Eds), Language and Power, (Beverly Hills: Sage Publications, 1984), p. 199.

From Low Status To No Status

A close look at the stylebook's examples reveals that stereotyping thrives on its pages. Females as ornaments appear in "She was as pretty as Marilyn," as an example of correct usage of "equally as,"[1] and in "She flaunted her beauty," but "He flouts the law" [2]to indicate the difference between flaunt and flout. To keep complement and compliment separate, the stylebook has these examples:

> The ship has a complement of 200 sailors and 20 officers. The hat complements her dress. The captain complimented the sailors. She was flattered by the compliments on her outfit.[3]

Stereotypes of women are so numerous it is difficult to read more than four pages without running across one. These are only a few:

> --He goes to work every day. She wears everyday shoes.[4]
> --The woman has three sons and two daughters. He has a fleet of 10 station wagons and two buses.[5]
> --She made an upside-down cake.[6]

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[1] Stylebook, p. 74.

[2] Ibid., p. 83.

[3] Ibid., p 47.

[4] Ibid., p. 77

[5] Ibid., p. 150

[6] Ibid., 217.

> --The coach told him to hit and run. He scored on a hit and run. She was struck by a hit-and-run driver.[1]
> --She is down to earth. He hopes to move heaven and earth.[2]
> --"I'm afraid I was not very discreet," she wrote.[3]
> --Ten women passed, another 10 failed.[4]
> --He predicted adverse weather. She is averse to change.[5]
> --The boy, 7, has a sister, 10. The woman, 26, has a daughter 2 months old. The woman is in her 30s.[6]

With gender stereotyping, the flip side of the passive, powerless and pretty female could be the macho, powerful, in-control man. A few examples, in addition to ones mentioned above, are:

> --Dad, please give me a dollar. He is worth $4.35 million. He is worth exactly $4,351.242. He proposed a $300 billion budget.[7]
> --He cut off his son's allowance.[8]
> --He fished a Camel from his shirt pocket.[9]

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[1] Ibid., p. 101.

[2] Ibid., p. 68.

[3] Ibid., p. 64.

[4] Ibid., p. 15.

[5] Ibid., p. 7.

[6] Ibid., p. 7.

[7] Ibid., 65.

[8] Ibid., p. 55.

[9] Ibid., p. 28.

--He won despite 3-2 odds against him.[1]
--He will effect many changes in the company.[2]

Even animals do not escape gender stereotyping for "Rover was scared; he barked. Susie the cat, who was scared, ran to her basket."[3]

This is not to say that women, as well as men, do not appear here and there in non-stereotypic examples. But, that is just the problem--it is here and there.

Repeatedly, examples present men as holding power positions: "Special Agent William Smith,"[4] "The administrative law judge, John Williams,"[5] "acting Mayor Peter Barry,"[6] are a few. Although some women's names do appear in power positions, they are outweighed by far with references to male names. A reader has to look hard and long to find women used as examples of persons holding power. Even under judge, where fifteen male and no female names appear, Bert Parks rates a mention as a beauty contest

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1. Ibid., p. 25.

2. Ibid., p. 7.

3. Ibid., p. 15.

4. Ibid., p. 7.

5. Ibid., p. 6

6. Ibid., p. 5.

judge.[1] Justice Sandra Day O'Connor's name[2] leaps from the pages as one of the few women, compared with mentions of men (fictitious and real), to appear in the book.

But more subtle than stereotyping is the practice of ignoring women. Women simply do not exist in many categories. Under "academic degrees"[3] and "academic titles,"[4] women do not appear. The reader is told the "Daniel Moynihan, Ph.D., spoke" and "John Jones, who has a doctorate in psychology" are acceptable for use, as is "Dr. Sam Jones, a chemist." It is also acceptable to use "history Professor Oscar Handlin" or "department Chairman Jerome Wiesner." A reader could assume from these examples that women do not hold doctorates or work in the higher echelons of academe.

All Arab women in the world are written off in the section on usage of Arabic names.[5]

> The Arabic word for son (ibn or bin depending on personal preference and the nation) is sometimes part of a name (Rashid bin Humaid). On second reference, use only the final word in the name: Humaid. The word abu,meaning father of, occasionally is used as a last name (Abdul Mohsen Abu Maizer). Capitalize and repeat it on second reference: Abu Maizer.

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1. Ibid., p. 113.

2. Ibid., p. 203.

3. Ibid., p. 4.

4. Ibid., p. 5.

5. Ibid., pp. 16-17.

> The titles king, emir, sheik and imam are used, but prince usually replaces emir. Some Arabs are known only by the title and a given name on first reference (King Hussein). Others are known by a complete name (Sheik Sabah Salem Sabah).

A reader can turn the page, shake the book, reread the passage, but there is no mention of Arab women.

Women also disappear "at large" because there are "congressman at large, councilman at large"[1] but no congresswoman or councilwoman at large. Readers are also told of the Big Brothers, Inc.[2] organizations, but not about Big Sisters, Inc.

However, there is one example where women outweigh men. Although "bra" is "acceptable in all references for brassiere,"[3] the reader is not told how to write about men's underwear.

Physical descriptions, sexist references, demeaning stereotypes and condescending phrases? Yes. Look in the stylebook for examples.

The stylebook also contradicts its own advice on not assuming maleness when both sexes are involved. It states that man or mankind may be used "when both men and women are involved and no other term is convenient. In these cases, do not use duplicate phrases such as a man or a woman or mankind and womankind."[4]

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1. Ibid., p. 19.

2. Ibid., p. 26.

3. Ibid., p. 28.

4. Ibid., p. 127.

And a baffling paragraph says:

> Do not presume maleness in constructing a sentence, but use the pronoun *his* (italics in stylebook) when an indefinite antecedent may be male or female.[1]

So, while readers are instructed not to presume maleness, they really are supposed to presume maleness. If readers are confused about these instructions, the following examples should clarify the issue.

"A prominent person is shot one day and dies the next. Which day was he assassinated?"[2] the book asks. Apparently, women are unworthy of prominence because they cannot be assassinated. However, women should be relieved to know that "To execute a person is to kill him in compliance with a military order or judicial decision."[3] And there are no women senators, according to the manual. "Only the late senator opposed this bill. (He was not dead at that time.)"[4] In addition, women don't subscribe to John Adams' political views because "John Adams was a Federalist, but a man who subscribed to his philosophy today would be described as a federalist."[5] And women do not become livid since "If a person turns livid with rage, his face becomes ashen or

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1. Ibid., p. 100.

2. Ibid., p. 18.

3. Ibid., p. 77.

4. Ibid., p. 119.

5. Ibid., p. 165.

pale."[1] And women can forget about becoming "No. 1" because "No." is used to describe a "No. 1 man."[2]

Dale Spender had some good words to describe the "No. 1 man" stereotype:

> Women can only aspire to be as good as a man; there is no point in trying to be as good as a woman.[3]

One other area where the stylebook turns 180-degrees from its own advice is on deciding whether to include marital situations. Throughout the book, from references to the clergy to the military, detailed information is given on how to refer to a woman's marital status. For example:

> On the first reference, use the Rev. before the name of a man or woman. On second reference, use only the last name of a man; use Miss, Mrs., Ms. or no title before the last name of a woman depending on her preference.[4]

The obvious question is, why not ask the man his marital status and if he prefers to be labeled as married, single or no-preference? The overemphasis on whether a woman is married brings up the subtle issue that a woman's worth is only as good as her courtesy title, as well as that a woman gains her identity from a man.

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[1] Ibid., p. 123.

[2] Ibid., p. 144.

[3] Language and Power, p. 201.

[4] Ibid., p. 40.

The section on courtesy titles for women takes up a half-page in the book. And while it is not my intention to get into a lengthy discussion on the decades-old debate over courtesy titles, the practice of identifying women as married, single or anything else becomes comes so confusing as to be amusing. Since this section says something about the status of women, I will write only a few words about courtesy titles, leaving the longer interlocution to others willing to carry on until, probably, the next century.

> The preferred form on first reference is to identify a woman by her own first name and her husband's last name: Susan Smith. Use Mrs. on the first reference only if a woman requests that her husband's first name be used or her own first name cannot be determined: Mrs. John Smith.
>
> On second reference, use Mrs. unless a woman initially identified by her own first name prefers Ms.: Carla Hills, Mrs. Hills, Ms. Hills; or no title: Carla Hills.
>
> If a married woman is known by her maiden last name, precede it by Miss on second reference unless she prefers Ms.: Jane Fonda, Miss Fonda, Ms. Fonda; or no title, Jane Fonda, Fonda.[1]

And that is only part of the section.

The suggestion "If her own first name cannot be determined," use her husband's first name is presumptuous, demeaning and condescending. "Demeaning" and "condescending" are the two words the stylebook tagged when looking out for sexist writing. And what about men? Nowhere in the book does it infer a man's first name cannot be determined, let alone suggest if the situation arose to use his wife's first name.

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[1] Ibid., p. 54.

But on a deeper level, what does this section tell readers? One interpretation is that women are so different that they are almost impossible to identify.

In The Handbook of Nonsexist Writing, Casey Miller and Kate Swift make the point that until recently, few people thought much about what language was saying on a subliminal level:

> Now that we have begun to look, some startling things have become obvious. What standard English usage says about males, for example, is that they are the species. What is says about females is that they are a subspecies.[1]

In other words, men are the norm; women are the other in the English language. If you are not convinced, just look at the AP stylebook--the "Journalist's Bible."

Conclusion

Consensus is the key to developing the AP Stylebook, according to one of its editors.[2] This comes through the raising of issues by readers, newspaper members and the AP staff. The issues are discussed among editors in New York and a decision is made.

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1. Casey Miller & Kate Swift, The Handbook of Nonsexist Writing, (New York: Barnes & Noble, 1980), p. 3.

2. Norm Goldstein, AP Newsfeatures, Personal Correspondence, October 18, 1989.

No doubt, the AP did not set out to deliberately portray women as pretty, powerless and passive. No doubt, the AP did not set out to deliberately eliminate women from many power categories. Nevertheless, the results are that women are given low status or no status in the stylebook. They are trivialized or just plain disappear.

If consensus is the key to developing the stylebook, awareness is the key to change. Journalists using this book need to understand, on a profound level, what it is really saying about the majority of humanity. Then, just maybe, enough writers, scholars, students and editors will put this issue before the AP in New York to make some changes.

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VICTIMS AND VAMPS:
SEX CRIMES IN THE PRESS

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ABSTRACT

An examination of how sex-related crimes such as rape and rape-murder are covered by the print press through an analysis of four major crimes: the 1979 Greta and John Rideout marital rape case, the 1983 New Bedford gang rape, the 1986 murder of Jennifer Levin, and the 1989 gang rape of the Central Park jogger. The research was conducted by a linguistic analysis of the stories in local and national newspapers, interviews with reporters who worked on the stories, analyses of press conventions, and analyses of rape and blame-the-victim myths. The literature researched includes studies of sexual assault, studies of crime news, and works on press history and press ethics. These materials were synthesized to reveal the preconceived narratives that the press superimposes on cases and how those assumptions perpetuate negative stereotypes about female crime victims. The project is to be published as a book by Oxford University Press.

For this project, I am examining four of the major sex-crime cases of the last decade with two purposes: to reveal public attitudes toward female victims of sex crimes, and to remedy the suffering such victims receive at the hands of the press. The cases are the 1979 marital rape case between Greta and John Rideout, the 1983 Bedford gang rape, the 1986 murder of Jennifer Levin by Robert Chambers, and the 1989 gang rape of the Central Park jogger.

Traditional myths about sex crimes

No one can interpret the way the press covers sex crimes without understanding the myths about rape that wrap victims in an intertwining web of blame. The myths are at least as ancient as the Bible. They stem from the story of Eve as temptress and are compounded by the later Victorian view of women as pure and uninterested in sex. In brief, the myths are:

1) Rape is sex: This lies at the root of all the others and ignores the fact that rape is more akin to torture, in which sex is used as a weapon, than to mutually consensual intercourse.[1]

2) The assailant is motivated by lust: One of the suspects in the Central Park jogger case revealed his belief in this myth when he said about another suspect, "He had all the girls; he didn't need to rape anybody."[2] In fact, research has shown that most rapists are motivated by anger, the desire to wield power, or sadism, not by pent-up sexual desire at all.[3]

3) The assailant is perverted or crazy: This image of a rapist contradicts the myth about lust above but is held in reserve for times when the sex crime is extremely grotesque, or when the victim cannot be easily pegged as having provoked it. The truth is that rapists tend to have normal psychological profiles.[4]

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[1] Benedict, Helen, "Recovery: How to Survive Sexual Assault, for Women, Men, and Their Friends & Families." New York: Doubleday, 1985.
Brownmiller, Susan, "Against Our Will: Men, Women and Rape." New York: Simon & Schuster, 1975.

[2] New York Times, 4/26/89, p.B24.

[3] Groth, Nicholas and Birnbaum, H., "Men Who Rape: The Psychology of the Offender." New York: Plenum Press, 1979.

[4] Groth, ibid.
Russell, Diana, "Rape in Marriage," New York: Macmillan Co. 1982, pp.64-65.

4) Women provoke rape: Because rape is seen as sex, victims are believed to have enticed their assailants. This myth is used every time a reporter dwells on a victim's attractiveness (Levin and the jogger were repeatedly described as "pretty"), which in reality is irrelevant to the crime.

5) Only bad women are victimized: The myth that women provoke sexual assault interacts with the Victorian idea that only sluttish women are sexual to result in the belief that only "bad" women get assaulted. ("She was a prostitute," the editor of a local paper told me about the New Bedford victim, an assertion that had no factual backing.) The myth ignores the fact that babies, children, and old women are victimized, that most rapes are committed by people known to the victim, and that 7-10 percent of all rape victims are boys and men raped by other men.[5]

6) A sexual attack sullies the victim: Because sex is considered shameful and rape is seen as sex, the victim is regarded as having committed a shameful act. This contributes to her "bad woman" image.

7) Victims deserve their fate: This myth is as ancient as the idea of fate itself--if we believe that victims bring on their misfortunes because of bad behavior, we can convince ourselves that we can be immune by being "good." Thus, Jennifer Levin was blamed because she partied and had several boyfriends; Greta Rideout because she taunted her husband and had once had an affair; and the New Bedford victim because she'd had children out of wedlock and was a "welfare cheat," as a newspaper put it at the time. Even the

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[5] Benedict, ibid. pp.11-12.

jogger came in for a bit of the "she deserved it" myth because she "failed," as several news reports put it, to protect herself by shunning the park at night.

Because of all these myths, a sex crime victim tends to be squeezed into one of two images--she is either an innocent, a true victim, the "virgin" of my title; or she is a wanton female or provoked the assailant and therefore deserved the assault, the vamp.

Recent studies have found that in spite of over two decades of feminist attempts to explain away these myths, they are alive and well.[6] In his 1982 book, "Men On Rape," Timothy Beneke interviewed a large sample of men and found that the majority not only blamed female victims for their rapes, but admitted to being attracted to the idea of committing rape themselves.[7] Defense lawyers in sex crime cases rely entirely on these myths to discredit the victims. And my investigations have revealed the myths reflected in newspapers all over the country.

Ingredients that influence public opinion of the victim

Going over a wide range of sociological literature, I have identified eight circumstances that determine how likely the victim is to be labelled a "virgin" or a "vamp." These are the ingredients that will turn public sympathy against her:

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[6] Chancer, L. "New Bedford, Massachusetts...The 'Before and After' of a Group Rape." Gender & Society, Vol. 1, No. 3, 1987, pp.239-260.

Acock, A. and Ireland, N. "Attribution of Blame in Rape Cases: The Impact of Norm Violation, Gender, and Sex-Role Attitude," Sex Roles, Vol. 9, No. 2, 1983, pp.179-193.

Check, J. and Malamuth, N., "Sex Role Stereotyping and Reactions to Depictions of Stranger Versus Acquaintance Rape," J. of Personality and Social Psychology, Vol. 45, No. 2, 1983, pp.344-356.

[7] Beneke, Timothy, "Men On Rape." New York: St. Martin's Press, 1982.

1) If she knows the assailant. (She will get less blame if the assailant is a stranger.)[8]

2) If no weapon was used. (The public is more inclined to believe the rape happened if a weapon is found.)[9]

3) If she is the same race as her assailant. (A white woman attacked by a black assailant will get the most public sympathy. Blacks raped by whites tend to receive more press attention than blacks attacked by other blacks.)[10]

4) If she is of the same class as the assailant. (She will be blamed less if the assailant is of a lower class than she.)[11]

5) If she is of the same ethnic group as the assailant. (If ethnic prejudices can be called in to slur the assailant, the victim will gain sympathy.)[12]

6) If she is young. (Older women tend to be seen as less provocative.)[13]

7) If she is "pretty." ("Pretty" and "attractive" are often

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[8] Burgess, Ann and Holmstrom, Lynda, "Rape, Crisis and Recovery," Bowie, MD: Brady, 1979, p.222.

[9] Williams, Joyce and Holmes, Karen, "The Second Assault: Rape and Public Attitudes." Connecticut: Greenwood Press, 1981, pp.135-137.

[10] Brownmiller, ibid.
Williams & Holmes, ibid. pp.139-140.

[11] Benedict, ibid. Introduction.
Williams & Holmes, ibid.

[12] Chancer, ibid.
Williams & Holmes, ibid.

[13] Benedict, ibid. Chapter 20, "The Older Victim."

used to suggest "provocative" in sex crime coverage, or at least to suggest that the assailant somehow could not stop himself. On the other hand, a "who would rape you?" attitude has been used against supposedly plain victims, although evidence shows that this happens less now than it used to.[14] Other studies have found that although people tend to be biased against attractive rape victims, they are biased in favor of attractive assailants, a finding that applies tellingly to the Chambers/Levin case.)[15]

8) If she in any way deviated from the traditional sex role norm for women of being at home with family or children.[16] (People blame the victim more if she was in a bar, hitchhiking at a party, or out on her own anywhere "good girls" are not supposed to be preceding the attack.)

When I applied these eight ingredients to the victims of the four crimes I examined, three had seven or all eight of the ingredients against them: Greta Rideout, the New Bedford victim and Jennifer Levin. The Central Park jogger, however, had six of the ingredients in her favor. Predictably, the three who had the ingredients against them were treated badly by the press and were widely labeled as vamps. The jogger, on the other hand, has been treated by the press with great care and concern so far--she has been allowed the virgin image.[17] (At the time of this writing, the trial for this case had not begun.)

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[14] Jacobsen, M. and Popovich, P., "Victim Attractiveness and Perceptions of Responsibility in an Ambiguous Rape Case," Psychology of Women Quarterly, Vol. 8, No. 1, 1983, pp.100-104.
Deitz, S., Littman, M., and Bentley, B., "Attribution of Responsibility for Rape: The Influence of Observer Empathy, Victim Resistance, and Victim Attractiveness," Sex Roles, Vol. 10, No. 3/4, 1984, pp.261-280.

[15] Jacobsen & Popovich, ibid.
Chambers was viewed with virtual admiration by the press before the trial, as I will show in the chapter on this case. He even made the cover of New York magazine, spruced up in a Preppie blazer.

[16] Acock & Ireland, ibid.
Williams, J., "Secondary Victimization: Confronting Public Attitudes About Rape." Victimology: An International Journal, Vol. 9, No. 1, 1984, pp.66-81.

In summary, all the myths and ingredients that count against the victim boil down to one simple narrative:

The woman, by her looks, behavior or generally loose morality, drove the man to such extremes of lust, anger, jealousy, or resentment that he was compelled to commit the crime.

This narrative is so all-pervasive that no reporter or editor seems able to approach a sex-crime story without it. They impose the narrative--which is really just a set of mental and verbal habits--on the sex crimes they cover like a cookie-cutter on dough, forcing the crimes into prescribed shapes regardless of the specifics of the case or their own beliefs. They do it through their choice of vocabulary, the slant of their leads, the material they leave out and put in, and they often do it unconsciously. But there is a serious problem with relying on cookie-cutter narratives as a guide to reporting. As Joan Didion put it in a lecture at the Columbia School of Journalism, "The problem with a shared narrative is it gets between the reporter and the actual situation." It leads," she said, "to telling 'tiny lies.'"

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[17] The Amsterdam News, an African-American newspaper in New York has been an exception to this. In seeking to defend the minority youths accused of the crime, the News chose to deny that a rape happened at all and to blame the victim's injuries on "rough sex" with her boyfriend.

Appendix 16

END

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